

The Blended Separation of Powers
and the Organisation of Party Groups:
The Case of English Local
Government

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Abstract:
**The Blended Separation of Powers and
the Organisation of Party Groups:
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In the Local Government Act 2000, central government mandated a change in political arrangements within English local authorities. Through introducing a blended separation of powers to the majority of local authorities, with a leader, cabinet and overview and scrutiny committees, the legislation moved the constitutional structure from a form of assembly government to a Westminster-style split between decision-makers and those who scrutinise those choices.

One of the goals was to remove the party group grip on decision-making. Given the evidence of the strength of groups in authorities (Maud 1967, Widdicombe 1986, Copus 1999a) there are questions but no clear answers about how group behaviour has changed since this legislation (OPDM, 2002, Ashworth 2003, Copus & Leach, 2004, ELGNCE, 2004, 2006).

This research assesses the impact of the change on major political parties. Due to the shift in the institutional environments, this thesis uses a rational choice institutionalist approach to consider how the legislation has affected groups; through assessing methods used to satisfice their goals. Using a mixed-methods approach incorporating survey research and case studies, the research has discovered that despite the reform to remove group influence, the legislation served to make local government more prone to domination by party groups.

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Any mistakes are entirely my own.



'Jørgen Tesman, his old aunts, and the faithful servant Berte together form a picture of complete unity. They think alike, they share the same memories and have the same outlook on life.

To Hedda they appear like a strange and hostile power, aimed at her very being.'

Henrik Ibsen's letter to Kristina Steen, January 14th, 1891
(*Ibsen Letters and Speeches*, Sprinchorn eds., 1965, p.299)

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Chapter One: Introduction

Research Outline

In the Local Government Act 2000, central government mandated a change in political arrangements within English local authorities. Through introducing a blended separation of powers to the majority of local authorities, with a leader, cabinet and overview and scrutiny committees, the legislation moved the constitutional structure of the majority of local government from a form of assembly government, where councillors sat as collective decision-makers, to a Westminster-style split between those who make decisions and those who scrutinise those choices.

One of the goals of the legislation was to remove the party group grip on decision-making. Given the evidence of the strength of party groups in local authorities (Maud 1967, Widdicombe 1986, Copus 1999a, Copus & Leach, 2004) there are questions but no clear answers about how group behaviour has changed since this legislation (OPDM, 2002, Ashworth 2003, ELGNCE, 2004, 2006).

This research assesses the impact of the institutional change on the main political parties in local government. Due to the shift in the institutional environments for party groups, this thesis uses a rational choice institutionalist approach to consider how the separation of powers has affected the behaviour of party groups. Using a mixed methods approach incorporating major survey research and case studies, the research has discovered that despite the reform to remove group influence on decision-making, the legislation served to make local government more, rather than less, prone to domination by party groups.

The inspiration for this work came from Copus' and Leach's (2004) study of the introduction of the overview and scrutiny function on the operation of local party groups. It has been the only research which evaluated how party groups had responded to the introduction of a blended separation of powers and gave details of how and why councils would tend towards one rather than another model. Through thirty-four case study authorities, they posited four models of increasing intensity of party control over the overview and scrutiny function; the party as '*a partner*, [minimal party control over overview and scrutiny] *arbitrator*, *filter* and *Leviathan* [maximal party control over overview and scrutiny]' (Copus & Leach, 2004, p.339). The differences between each of these four proposed models are explained with four factors;

'...the degree of group coherence in public; the readiness to impose a whip and use disciplinary mechanisms, the number of group meetings and the balance between open deliberation and closed decision-making.'

(2004, p 339)

Copus and Leach (2004) considered that there were certain predictors that would affect how parties would react and hypothesised models that the parties would collect around as a result of the change in institutional environment. For example, the different political parties have developed in distinctive ways and thus their constituent members would behave in dissimilar ways; such as the Labour '*corporatist perspective* [where] *the group is entitled to loyalty, as it is a mechanism which implements the policies supported by the electorate*' (2004, p. 339), the Conservative's '*individual freedom* [chastened by] *individual responsibility implying obligation to accept decisions*' (2004, p.339) and the Liberal Democrat's recognition of

'collective, rather than individual political endeavour, which brings political success' (2004, p.339).

More importantly, as each party necessarily commanded some form of cohesion for at least some points in time, Copus and Leach (2004) looked to other factors which would affect the model to which parties would tend. For example, the political composition of the authority was seen as a major factor in determining how groups would operate, where party discipline was likely to be tight and restrictive in competitive authorities where the control of authority could feasibly change hands (2004, p.348) compared to the reverse situation where an opposition could not challenge because it was *'weak or divided'* (2004, p.348). Another variable raised was the level of intra-party factionalisation; where groups would be more likely to control its members where cohesion was not naturally forthcoming and the reverse situation where cohesion came naturally.

Whilst the Copus and Leach (2004) explanation of party reactions to the transition from the committee-system to a separation of the executive and non-executive was useful in answering some of the questions about the differing levels of political party group control over the non-executive function, the route by which it arrived there was inadequate; basing differences in party group approaches to the split on arbitrary structural differences. Whilst it may have been true that *'effective scrutiny was most likely in a situation where the majority or dominant group operates a 'group as partner' philosophy'* (2004. p.351) and *'effective scrutiny was least likely in a situation where the majority (or dominant) group operates a 'group as Leviathan' philosophy'* (2004. p.351); the fundamental hypothesis that a *rational* party group could be anything other than the described *Leviathan* model could and should be contested.

One of the key failures in the mostly advisory, practitioner-directed literature on the changes in constitutional arrangements arising in the Act is that they fail to acknowledge *why* the party behaves as it does in the *political* local government arena and how and why it gets to a behavioural place *in the first instance*, instead relying on explaining conditions where party behaviour may be different. Thus the intrinsic worth of this literature as a key to unlock general party behaviour is low. The Local Government Act 2000 legislated for a constitutional change in local government yet since the introduction there has been no comparison with other movements in constitutional form which have occurred directly preceding or throughout this time (France and Israel and *Sub-national* in North Rhine-Westphalia, Bergen, Oslo) relating to how parties may have reacted to changes in institutional environments. Viewing groups as unitary collective actors, local party groups may accede and possess goals in the same way that national parties may do so and equivalently they aim to fulfil these goals. For example local parties may seek to achieve policy, office or votes (Strøm, 1999) in the same manner as national parties. Whilst the local parties differ in their functions and the way that they may formulate and achieve goals set for themselves, with or without national party interference, the way that they go about this may be *no different to those of their central equivalent*. If national party X seeks to achieve election to control the government, what makes the component local party X different when it seeks to control the authority?

The literature about the introduction of an executive with an overview and scrutiny function, assessed in *Chapter Five*, disregards the similarities between constitutional shifts at a national / sub-national level and subsequent changes in the behaviour of parties and ignores the dominant state-level arguments that parties may be actors who possess goals as part of the reason for their existence. If legislation is enacted which confronts the operating space of the

local parties and forces submission to the institutional change of multiple arenas of representation, it demands immediate reaction from parties. Moving from a government-by-assembly represented by the committee system to the relatively open and more difficult environment of a rudimentary organisational separation is one of these threats which directly impinges upon a party's ability to satisfy their goals. The explanation of the reactions of the parties to this change, whereby goals are made more satisficable, is the chief subject of this research. In order to answer the foremost question about why Copus and Leach (2004) found that most groups did seem to tend around the *Leviathan* model, it is crucial to take another route beyond structural heuristics and one that looks squarely to other examples, including that of the theories of party at a state and sub-national level, in order to begin to uncover the potential reactions of local parties in English local government.

This thesis picks up the life of local parties almost ten years after what could be considered the most profound exogenous shock for local groups since the upheaval provided by the Local Government Act in 1972. In doing so, the research examines how local groups adapted to changes in the operating environments and whether party entrenchment in local government had survived an attack to its core with the introduction of the legislation, which sought, either directly or indirectly, intentionally or unintentionally, **to cleave the power of the local party group with a separation of powers**. By offering local government a constitutional menu of either a change to a Westminster-type blended separation of powers or a clearly delineated separation of powers engendered by an elected mayor, central government looked to change political arrangements in such a way to provide some semblance of a '*formal political executive*' (Stoker, 2004, p.126).

The Research of Change: The party group in a new institutional environment

This research takes the movement to a cabinet, leader and scrutiny constitution for the majority of English local government as a shift in an institutional environment from assembly government (the committee system) to the institutional environment of a Westminster-type blended separation of powers, where an executive is indirectly elected from within the 'legislature.' With this shift came a new set of challenges for political parties who continued to face objectives such as policy, office or votes (Strøm 1990, Strøm & Müller 1999) which sustained the very existence of their organisations. In order to fulfil these goals, the party groups may have needed to adapt their behaviour(s) in order to continue to accomplish their objectives.

Unusually in the research of local politics, this thesis takes national party organisation theories as plausible blueprints with which to view local groups. Despite the glaringly obvious differences between the two; the subjugation, dependence (being component of) and the exceptionally diverse functions, the 'party group' as an organisation retains goals, however small in scope, broadly parallel in direction with parties at across all tiers of government. The EU-level European Socialists could possess the same ambition to win a majority as the UK Labour Party, who could equally possess the same ambition as the Labour group at Wigan Council. Fundamentally, whilst functions vary, **ambitions can be constants**. When looking at a constitutional shift potentially affecting the satiation of objectives for party groups, the actions taken as a result of the change could be analogous.

As such, this research takes its inspiration from the family of rational choice institutionalists such as Samuels and Shugart (2006, 2010) who explored the impact of the separation of powers on intra-party organisation. Whilst focusing primarily on the introductions of various

Latin American presidential systems, the '*neo-madisonian theoretical framework*' of which they speak is tangential but relevant to this research of the operation of party groups in parliamentarism. Given that the choice for local authorities was between a form of parliamentarism (leader, cabinet and scrutiny) and presidentialism (an elected mayoral system), the very choice made by the majority of local government could be explained through the defence of the party group as a unit.

As a starting point, James Madison argued that politicians' often '*selfish motivation [was] inevitable and therefore sought to harness it for the greater good [through] establishing a system of institutions that structure and checks that ambition*' (Carroll and Shugart, 2007, p.52). To simplify, Madison's vision for a clearly delineated separation of powers¹ sought to offer a population two independent 'agents' of which the population were 'principal,' in this way '*ambition was a check to ambition and prevented an emergence of a hierarchical relationship between the executive and legislature that [Madison] believed led to oppression*' (Carroll and Shugart, 2007, p.54). Pared down for clarity, the introduction of a cabinet / scrutiny model in local government created parliamentarism, the very institution for which Madison reserved his ire, which involved one agent (an indirectly elected executive) with one principal (the legislature) with hierarchical relationships enabling the tyranny of the party group.

This tyranny of the 'party' permitted within parliamentarism does not split party groups in the way that a formal separation '*divides [...] the dual agents of the electorate*' (Shugart and Carroll, 2007, p.55) and '*breaks parties into two separate branches*' (Samuels & Shugart,

¹ Engendered, very roughly, in the U.S separation of powers or the elected mayoral system of the Local Government Act 2000.

2010) and thus creates relatively unitary groups with common purpose. The success of the party as a whole is an individual and collective goal; if the group's goals are not met, everybody is at risk of losing out, but if everyone attains for the same goals, everybody wins. Thus the parliamentarism invoked by the Local Government Act 2000 facilitated the perpetuation of a 'singular party' because:

'...there is unity of origin, because one branch of government originates from within the other. Separation of origin characterizes presidential systems, and unity of origin characterizes parliamentary systems.'

(Samuels & Shugart, 2006, p.9)

This separation of origin and survival in presidentialism is important because it guarantees '*relatively greater political independence for members of each branch*' (Samuels & Shugart, 2006, p.11). In the blended separation of powers with the cabinet / scrutiny split, shared goals and a common purpose restrict the ability for political independence. Speaking against the group is speaking against the common purpose and could result in the party failing to achieve its goal and the individual and the group being elected out of office. Whilst the blended separation of powers builds incentives for individuals to desire to please the party group (i.e. seeking promotion to higher ranks of the party), the introduction of an evidence-based 'overview and scrutiny' function was an affront to this cohesion.

In order to solve Olson's (1965) dilemma of collective action in parliamentary systems where the logical supposition of collective unity for collective goals was unlikely in large groups, there was a need to delegate to a leader or 'agent' to ensure that the group would follow the common objectives of the organisation without free-riding.

'If the members of some group have a common interest or objective, and they would all be better off if that objective were achieved, it [had] been thought to follow logically that the individuals in that group would, if they were rational and self-interested, act to achieve that objective.'

(Olson, 1965, p.1)

In institutional environments where party groups are unable to coerce a line on an issue (i.e. presidentialism) this can lead to individual legislators focusing their legislative behaviour toward their own desires (self-interest: whether altruistic (policy issues) and / or concerned with re-election / re-selection). Cox and McCubbins (2007) use Olson's (1965) collective action dilemma to highlight the difficulty of protecting the party group in presidentialist systems:

'...because individual reputations are essentially private goods, it is not difficult to explain why legislators undertake activities such as pork barrelling and casework that enhance their own reputations. In contrast, the party's reputation is a public good for all legislators in the party. [Thus] it means that party reputations may receive less attention than they deserve.'

(Cox & McCubbins, 2007, p.113)

Whilst Cox and McCubbins' (1993, 2007) work was related to the U.S House of Representatives, Döring (1995) argues that their *'reasoning and findings have a far more universal theoretical significance'* (1995, p.39) as the *'basic dilemma of collective choice applies to [legislatures]'* (1995, p.40). For example, in parliamentary systems with a blended separation of powers, there should be a lower likelihood of legislators acting according to

particularistic concerns as *'a legislature is likely to act as a firm engaged in team production to produce laws [...] not as a market [as in the U.S.]'* (Döring 1995, p.42). Through having an executive or 'agent delegate' elected from and within the legislature under the blended separation of powers, it would *'solve collective action problems [by] protecting the party reputation and thus maintaining the value of the party label'* (Samuels and Shugart, 2010, p.35) in a way that could be impossible under a clearly delineated separation of powers in the U.S. Agents would be able to resolve the problems of collective action by *'imposing discipline or other sanctions on individual politicians whose behaviour threatens the party's collective image [and] rewarding politicians whose behaviour helps the group'* (Samuels and Shugart, 2010, p. 35). In this way, the principal (the legislature) must be willing to protect the image of the group (such as censoring criticism, shielding deficiencies and subsuming individual grievances) for the common purpose of achieving what they, as an organisation, set out to do in respect to policy, office or votes (Strøm, 1990). In more technical Olsonian terms, the failure of automatic intra-party group cohesion is natural due to the economic 'free-rider' objection and the subsequent need of an indirectly elected executive as 'agent' of the party to create a Pareto optimal point: *'a feature of all collective action from a purely rational perspective is that outcomes are not Pareto optimal. **Everyone would be better off if there were some way to coerce contributions**'* (Shepsle, 2006, p.31). Unlike in presidentialism, the power of the principal to remove the agent (as Heseltine to Thatcher - Samuels and Shugart, 2010, p.3) ensures that the agent serves the principal well and will not, customarily, overstep authority in relation to group-agreed goals. However, with the introduction of the Local Government Act 2000, it was the delegated responsibility of the group leader to protect the party brand through necessary means (organisational discipline), within arenas where the ambitions could be under threat (e.g. O&S), for the purposes of protecting the group's objectives of policy, office or votes (Strøm 1990, Strøm & Müller 1999).

This thesis thus seeks to explore whether the blended separation of powers (parliamentarism) introduced within the Act, which was instituted in order to reduce the group-dominated, opaque decision-making in local government, actually served to make local government more susceptible to the domination of the group because of the incentives it created to breed ‘*a relationship of symbiotic mutual dependence between branches of government*’ (Samuels & Shugart, 2010, p.37). Given the need to protect the party brand in order to protect group ambitions, it could follow that there would be active steps taken by the agents to control non-executive functions such as ‘overview and scrutiny.’

Perspectives on Parties

Before developing the theoretical approach of this thesis project (*Chapter Two*), it is essential to look at other perspectives on parties, their organisation and behaviour and how the chosen theoretical approach fits within the wider party literature. The following is an exploration of the current academic thought on political parties, from a literature in excess of ‘*11,500 titles*’ (Caramani & Hug, 1998, p.498). Whilst it cannot be possible to encompass an abridgment of the entire sub-discipline, the following discussion assesses how research on political parties has progressed.

Approaching Political Parties

Political parties exist, by definition, as ‘*basic institutions for the translation of mass preferences into public policy*’ (Key 1961, p.433). Sartori (1976), one of the leading scholars of political parties, argued that parties not only translated or expressed preferences, they ‘*channelled [...] and reflected public opinion*’ (2005, p.25) and further ‘*shaped and indeed manipulated, opinion*’ (2005, p.25). Others, such as structural functionalists Almond and Powell (1966) offered a more sympathetic assertion that political parties would be ‘*greatly*

shaped by the culture in which they must operate' (1966, p.127) such as the *'nature of the traditional political orientations, the general conditions and issues of salience in the national environment and the performance of other agencies of socialization'* (1966, p.124). Across Western systems, democracy is inextricably linked to the operation of party organisations, since these aggregators and controllers of the channels of preferences have often been the chief actors in state decision-making. To speak of democracy without mention of parties would be to evade the central concerns of political scientists since the 1950s (Duverger 1954, Neumann 1956, Downs 1957). As Robertson posits:

'To talk [...] about democracy, is to talk about a system of competitive political parties. Unless one chooses to reject the representative model that has been the staple of the theory and practice of democracy since the French Revolution, one must come to terms with political parties.'

(Robertson 1976, p.1)

Political Party Cleavages

Sociological research by Lipset & Rokkan (1967) argued that European parties developed as results of historic cleavages which existed in societies and thus reflected conflict and disagreement. Firstly in the UK these were the religious cleavages which divided people in the nineteenth century and earlier; *'Tories generally hostile to Catholic emancipation and radical Whigs, the party of freedom of conscience and religious toleration, in favour'* (Webb 2000, p.41). Secondly, the most important of these cleavages to the UK had been the social class cleavage *'emanating from the process of industrialisation [...] based on the tensions between owners (and senior controllers) of capital and their employees'* (Webb 2000, p.43). Rather than being a dynamic changing party landscape, Lipset and Rokkan (1967) posited that

European party systems essentially reflected a ‘freeze’ that occurred in the 1920s as the ‘*party systems of the 1960s reflect[ed], with few but significant exceptions, the cleavage structures of the 1920s*’ (1967, p.50).

However ‘class’ was not the only factor to divide a nation but ‘*other components of life chances [did] not divide the population into two huge camps of privileged and oppressed*’ (Lipset & Rokkan 1967, p. 69). The party system could thus be seen as a ‘*democratic translation of the class struggle, postulating national unity beneath the divisions of class*’ (MacIver 1947, p.217). The Labour Party which developed in the 1920s in the UK was the catalyst for the revelation of this cleavage, given the ‘*discovery by the urban workers that they could secure better conditions of services by combinations amongst themselves*’ (Jennings 1961, p.237). From the post-war period through to the 1970s, this era of two-party competition under the class cleavage was especially relevant, where elections were fought with strong partisan identification based on differences in social class. This was true at both national and local level:

‘In so far as community identification is more important than nationwide class considerations, one would expect national party labels to have little meaning in local politics... This is not the case in Britain.’

(Rose 1974, p.16)

Local councils often reflected the social class of their electorate, where working-class areas were often represented by Labour councillors and more affluent areas by Conservatives; ‘*Labour strongholds of East London and South Wales or the Conservative seaside towns of*

southern England' (Gyford 1976, p.89). Fundamentally, at this time, the 'class' division between the two parties was clear-cut enough to reflect types of people:

'...divisions between Labour and Conservative members [were] not merely a political or even an occupational division, but a social one too... each group inhabiting its own world and only coming together on the council.'

(Jones 1969, p.147)

Rose and McAllister (1986) argued that party competition at this time of two-party rivalry was effectively moot, as parties only aimed to maximise their own electoral base and getting 'their people' out to vote:

'To say that parties compete is an exaggeration, for each party is not so much seeking to win the votes from those committed to its opponent as it is seeking to mobilize the maximum vote from electors already predisposed in its favour by their social position.'

(Rose & McAllister 1986, p.11)

However during the 1970s, the range of political parties gave the electorate a '*moderate pluralism*' (Webb 2000, p.8), moving away from the two-party divide over social class. As such the levels of partisan alignment started to fall, to the extent that a majority of voters did not cast their ballot according to their class: '*the Labour vote among manual workers suffered the greater haemorrhage, falling from a high of 69 per cent in 1966 to 42 per cent in 1983 - the non-manual Conservative vote too is a less predictable electoral force than it was in the 1960s*' (Scarborough 1986, p.219-220). Whether due to geographic or social mobility, the influence of class as a proxy for party was becoming less important: '*the boundaries of the*

traditional social bases of the two major parties are being blurred and, as they have come to be seen as less significant, they have become easier to transgress' (Sarlvik & Crewe 1983, p. 337). Given the distance from the origins of the parties, Flanagan and Dalton (1984) argued that *'voters who are two or three generations removed from the issue conflicts which precipitated the original alignments should show little further commitment to these issues as they are resolved or lose their relevance'* (Flanagan & Dalton 1984, p.10). More recently, at the 1997 election of New Labour, only 45% of the electorate cast their vote according to reference of social class (Webb 2000, p.54, Table 2.3) and the party won with the support of a 'middle class' vote, demonstrating that parties were at least seeking to cater for more than one social position and moving beyond Rose & McAllister's (1986) interpretation of competition.

Whilst the explanations of the opening up of the party landscape in the UK since the 1970s included partisan realignment (Dunleavy's (1979) self-interested voting reflecting preferences of party on the basis of 'pay-offs') or partisan dealignment (Rose and McAllister's (1986, p.99) class blurring) amongst other interpretations, the outcome of the move away from strict class-based party segmentation has been a reopening of party competition for votes at both a national and local level.

Slow Death of the Political Party?

Postmaterialist Populace

Research has argued that there has been a decline in the importance of parties, as institutions, because of changes in society. Crotty (1984) argued that *'society is changing, a new technology of politics has arisen [and] an evolving electorate is placing new and unaccustomed demands on the party agencies'* (1984, p.v). This change in society had led to an increasing proportion of the electorate basing their voting behaviour on best guesses about

the potential resolution of ‘valence issues’ rather than any predesigned partisanship: *‘Valenced partisanship’ is continually updated as voters acquire new information, react to events and continuously make judgements about the competence of parties, governments and leaders’* (Denver 2005, p.295). This was likely a result of an increasingly educated populace whose *‘postmaterialist values [have] conflicted with the traditional ideologies of many parties and [...] given rise new social movements, single-issue groups and unconventional forms of involvement’* (Montero & Gunther 2003, p.7). This move towards an increasingly post-partisan world has led parties into a position where their core voters could not be relied upon to deliver them to win elections. Stoker (2006, 2010) argued that this was not only a problem in relation to political parties but more generally across membership organisations.

‘Political parties, lobby organisations and even protest movements have lost their roles as mass membership institutions and have atrophied into organisations dominated by professional activists and reduced most citizens into passive recipients of messages or short-term calls for action.’

(Stoker 2010, p. 56)

The election of Barack Obama through cross-partisan micro-donations or the single-donor finance of the oligarchic *Forza Italia!* party shattered traditional assumptions about party organisation and demonstrated the shifting expectations of democracy. Crouch (2000) argued that due to partisan dealignment, party leaders were often faced with *‘casting around for votes in the pool of the general electorate [because] their loyal electorate was too small’* (Crouch 2000, p.50). The trade-off then existed in satisfying both their organisational support (i.e. financial contributors) and their remaining activists (likely staunchly ideological), whilst trying to appeal to potential voters. Using the activist example, the more policies are aimed at

a median voter, the more voters they may appeal to but the more activists they may sacrifice. Equally the more policies are attuned to the activists, the fewer voters they may appeal to but with a greater activist mobilisation. Modern parties in the UK are thus much more complex balancing acts than the comparatively concrete partisanship of the social cleavages. However the extent to which political parties have suffered as a result is virtually negligible:

'[Parties] have been forced to undertake considerable efforts to adapt to the changing conditions of political competition [...] But in no instance has [it] led to the disappearance of parties and/or their replacement by other types of organisations (interest groups or social movements) or institutionalized practices (direct democracy).'

(Montero & Gunther 2003, p. 9)

The retention of the two-and-a-half-party system in the UK dominated by the large institutionalised parties is evident up to the present day, in some way indicative of Lipset and Rokkan's (1967) conclusion of a 'frozen' party system based, in small part, on the social cleavages present in society. In opinion polling since the 2010 UK general election, these three parties continue to reflect almost all voting intentions. As Strøm & Müller (1999) highlight, in reference to the alleged demise of party organisations; *'though political parties may no longer command the loyalties they once did, they are still critical to democratic government'* (1999, p.3).

Impotence of the Political Party?

Whilst the party has remained a feature of almost all modern democracies, the extent to which they actually control decision-making has been up for debate. Fiorina (1987) questioned how parties continued to play their part in decision-making in a complex patchwork of other strong

institutions: *'we must consider the real possibility that parties are not **the** central institutions of, **the** necessary condition for, or **the** working mechanism of liberal democracy'* (Fiorina 1987, p.271). Katz (1986) defined some conditions relating to what should be considered an actual 'party government,' including:

'1) Government decisions are made by elected party officials or by those under their control, 2) Government policy is decided within political parties, 3) These parties act cohesively to enact and implement this policy, 4) Public officials are recruited through political parties and 5) Public officials are held accountable through political parties.'
(Svåsand & Strøm 1997, p.3)

Whilst very few democracies *'satisfy these conditions fully, [...] none violates all of them all of the time'* (Svåsand & Strøm 1997, p. 3). However, in terms of functions of parties in modern democracies, it can be seen that they have, at the least, *'lost control of **some** political activities, or functions, that they previously performed'* (Svåsand & Strøm 1997, p. 5). In the UK, Skelcher (2000) argues that the state has become *'congested,'* where non-government actors had evolved to deliver decisions outside of the traditional democratic framework:

'[The Congested State] denotes an environment in which [there are] high levels of organisational fragmentation [and] plural modes of governance reflecting the shift from primary to secondary governmental bodies.'

(Skelcher 2000, p.12)

Given the *'flowering of collaborative activity [with] substantial institutional growth around the established structures of democratic government'* (Skelcher 2000, p.3) the responsibilities

of parties-in-government are limited through the delegation to other agencies. This reduction in control of government (both central and local) in favour of secondary (quangos) or tertiary institutions (partnerships) has ensured that decision-making and '*determining the future shape of our communities and regions*' (Skelcher 2000, p.17) is taken away from the control of the party actors. The rate of this transformation has been accelerated in the UK because of its '*emphasis on cross-cutting issues and joined-up government*' (Skelcher 2000, p.16).

In a more focused local context, democratic government is '*just one of a multiplicity of bodies involved in local service delivery*' (Wilson and Game 2006, p.143) where the terrain has shifted towards '*local governance: a complex mosaic of organisations, none of which are directly elected*' (Wilson and Game 2006, p.141). Compounded with the central government continuation of '*privatising many local council functions*' (Crouch 2000, p57) and local government being at the mercy of '*powers being [...] absorbed into the central state*' (Crouch 2000, p.57), it is essential to ask: whether the responsibilities of the local political parties in this changing landscape?

Further relating to Katz's (1986) definition of party government, the tradition of patronage 'spoils' (appointments to non-governmental organisations) gained as a result of parties winning elections had come under attack, considerably reducing party roles in most cases. For example, the Office of the Commissioner for Public Appointments was created in 1995 to provide a defence against '*cronyism, unaccountable ministerial patronage and the absence of checks and balances*' (Flinders 2009, p.556). Quite why parties in the UK (Conservatives at first, strengthened by Labour) sought to quell their own spoils system was up for speculation;

'The creation of OCPA was a rational act for an outgoing executive that was keen to utilize a scandal of its own making to constrain the appointment powers of its successor.'

(Flinders 2009, p.566)

A less cynical interpretation was that *'depoliticisation, through the creation of various appointments commissions is viewed as a rational response to the public's lack of faith in politicians'* (Flinders 2009, p.567). Either route, parties had intentionally limited their functions and moved away from 'total' party government, with the introduction of a mix of powerful non-governmental agencies combined with limited powers to control the appointments. Whether an example of Machiavellian delegation, to absolve party brands or genuinely trying to *'re-establish conventional political relationships with apathetic social groups'* (Flinders 2009, p.567), parties are much less essential than they have been in state decision-making.

However, even despite the societal changes that could have occurred combined with the transfers of party functions to external agents and thus the decline in 'spoils' for political parties, these organisations continue to be vitally important mechanisms for delivering the preferences of an electorate, and, if anything, competition for votes has intensified given the parties need to adapt to ever-shifting environments. As Mair (1997) highlighted:

'Parties continue to survive. The old parties [...] before Rokkan elaborated his freezing proposition are still around today. And, despite the challenges from new parties, new social movements, most of them still remain in powerful dominant

positions. [...] Thirty years on, these self-same parties still continue to dominate mass politics. Nowadays [...] they are even older still...'

(Mair 1997, p.90)

Local Political Parties in England

Beyond national debates about the relevance of parties, the membership of local parties has raised questions about the relevance of local parties in general. For example, the membership of the three main parties had '*fallen from around 3.2 million in 1964 to a little over 0.5 million in 2005*' (Wilks-Heeg 2010, p.383). More significantly, the number of party activists has significantly fallen; with a reduction in the amount of time spent by party members '*contacting fellow party members [...] campaigning for the party [...] representing their party [and] giving money to their party*' (Seyd & Whiteley 2004, p.358). This decline in local activism was common across all three parties with 11% of Labour party members reporting less time spent on activist activity, 17% of Conservative members and 26% of Liberal Democrats (Seyd & Whiteley 2004, p.359 & Table 2). Wilks-Heeg (2010) reported that given the lack of significant comparative empirical data there was a danger '*of contrasting current trends with a mythical golden age*' (2010, p.385) of party activism but it had been argued that local activism was '*moribund [due to] the morale of members [being] at an unquestionable low*' (Cruddas & Harris 2006, p.4). An example from Birmingham showed that the pool of candidates for elections formed the main activist base for local elections, rather than regular members: '*Much of the work was done by candidates themselves [...] Around twelve people including the MP and workers in his office are keeping it afloat*' (Coulson 2005, p.153).

However, despite the decline in local party activism, which could be explained either from the demand-side '*leaders now have less need for members*' (Seyd & Whiteley 2004, p.358) due to

technology or supply-side; where people have less time to contribute or more avenues for activism outside mainstream parties (Seyd & Whiteley 2004, p.357), it is the case that the contestation of seats in local government has increased: *'local parties have become more active in local elections over the past three decades* (Wilks-Heeg 2010, p.388). Whereas at one time local elections often had a number of candidates running unopposed (almost 30% of seats in 1979 (Rallings & Thrasher 2003, p.xiv)), it would be extremely unlikely (barring some rural authorities) for this to happen in authorities today. Given this level of contestation, it is thus unsurprising that the main parties have *'struggled to recruit sufficient candidates for such elections'* (Wilks-Heeg 2010, p.382), which could be indicative of how seriously local democracy is taken by a population: an *'important indicator of the vitality of local democracy is the number of candidates willing to fight for council seats* (Rallings & Thrasher 1999, p.67). However relating to actual political competition in England, there continue to be seriously fought contests between the three major parties in most authorities, to the point where *'only 4% of local authorities are in control by Independents [with] over half of these in Scotland and Wales'* (Leach 2006, p.13).

Another criticism levelled at local parties is a more general one, that the theatre of local government electoral politics is *'second-order,'* a term coined by Reif & Schmitt (1980), where local elections are seen as ways to punish incumbent central parties rather than based on anything local councillors actually do (Newton 1976, p.7, 17, 223). Whilst it could be argued that elections might appear to track the popularity of central parties, local evidence suggests that electorates do track *'reactions to a range of local concerns: taxation levels, the policies of the ruling group, variations in political style and presentation, local media coverage and candidates personal qualities'* (Copus 2004, p.39). Rather than being *'freak or maverick results'* (Wilson & Game 2006, p.245) which don't follow national trends, local

elections are likely to be '*the visible and perfectly rational products of voters*' recognition [that] a local councillor and council [was] carrying out local politics and providing local services' (Wilson & Game 2006, p.246). This would go some way to explain why local parties do actively compete for control of councils rather than resting on the behaviour of a central party. Despite all the discussion of a death of the main parties in local government '*the three main parties have increased their stranglehold on local elections*' (Wilks-Heeg 2010, p.389) and independent and small-party councillors only take up a fraction of seats in local government (10% - Mellow-Facer 2006, p.23).

Theories of Party and Party Behaviour

Although party behaviour began to be examined more thoroughly in the 1950s (Duverger 1954, Neumann 1956, Downs 1957) since early party theorists (Ostrogorsky 1902), it is within the context of the alleged demise of political parties that the majority of studies of party behaviour have taken place. This continuing focus on the behaviour of these organisations highlights the importance that scholars have placed on parties within political science. Whether assessing the behaviour of these actors within and outside of institutions, regardless of responsibilities or societal change, their intrinsic fascination as organisations of motivated individuals lends perspective to how political scientists ought to approach democracy, the impact of institutions on behaviour and political representation.

The Structural-Functionalist Approach

In respect to the studies of the behaviour of parties as organisations, there have been four distinct approaches to creating theories of political parties. The first, chronologically, had been the structural-functionalist approach to parties (Almond 1966 (*above*)) which sought to look for shared traits of organisations: '*attention has focused upon what parties do, what*

function, what role, or what purpose is served by parties, or what contribution is made by parties' (Scarrow 1967, p.770). This approach involved a relatively fixed interpretation of political parties and an '[attempt] *to establish a universalistic framework for the analysis of politics in general*' (Montero & Gunther 2003, p.13). However, the approach was admonished for its relatively simplistic analyses which were '*anti-cumulative [...] static, ethnocentric and [with] a tendency to stress [...] stability and the functionality of institutions over conflict and change*' (Montero & Gunther 2003, p.13). Lowi (1967) argued that what structural-functional approaches to political parties lacked was a concept of change and innovation:

'In a free and dynamic society there is no status quo, only a set of moving conditions which may or may not exist in equilibrium. Innovation is a continuing requirement of such a system.'

(Lowi 1963, p.581)

Classificatory Approach

An approach to parties which has spanned from the 1950s to the present day is the inductive *classificatory approach*, where theorists have examined behaviour in relation to inter-party competition, intra-party organisation, relationship to the state or populace using categories to present their conclusions. From Duverger's (1954) elicitation of *cadre* and *mass* parties, Neumann's (1956) parties of individual representation, Kirchheimer's (1966) catch-all party, Poguntke's (1987) new politics party, Panebianco's (1988) electoral professional party and Katz and Mair's (1995) cartel parties, to name some of the major works, there has been a plethora of work on the categorisation of parties into various classes. Whilst useful in determining characteristics, their applications for scholars are limited: '*categories devised to characterize parties in one time or place may not be suitable to differentiate them in another*'

(Wolinetz 2002, p.137). Furthermore, Wolinetz (2002) argues that most of these models were founded on Western European party systems and are thus limited in relevance beyond these institutions. A more significant objection pointed towards these classificatory theories is that they were:

‘...gross oversimplifications of party characteristics [with] unwarranted assumptions of commonalities [...] amongst [varied] parties [with] inappropriate labels [attached] to parties whose organisational, ideological or strategic characteristics differ significantly from the original prototype’

(Montero & Gunther 2003, p.19-20).

These approaches offered descriptive accounts of isolated incidences but were often *‘imprecise and posited a uni-directional pattern of change’* (Wolinetz 2002, p.159). More significantly, some theories were excessively deterministic in stating that their own classification was the inevitable ‘tending’ type to which others would naturally gravitate.

Pure Rational Choice and Behavioralism

The third approach to parties was arguably the most contested approach due to its quest for a universal theory of human behaviour based on economic or behavioural assumptions about individuals. Downs (1957) was the leading proponent of the rational choice, economic assessment of the behaviour of parties but was followed by other scholars, working primarily with the U.S. party system (Riker 1962). In essence the theory was built on the premise that political behaviour was uncomplicated:

‘[Politicians] act solely in order to attain the income, prestige and power which comes from being in office. [...] Their only goal is to reap the rewards of office. [...] Parties formulate policies in order to win elections, rather than win elections in order to formulate policies.’

(Downs 1957, p.28)

The significant problem with Downs’ theory of party was down to the rudimentary perspective of behaviour or the *‘simple assumptions of party and voter objectives [which] failed to generate any single, coherent theory of competitive party behaviour’* (Strøm 1990, p.565). Whilst the results of the work were useful in generating theory about specific intentions in ultra-competitive party systems (i.e. those fostering self-interest - *50/50 two-partism*), the intentions ascribed to politicians and parties failed to acknowledge the possibility for other aims and objectives (i.e. altruism / policy-seeking) in a world which is complex and full of *‘ad-hoc explanations’* (Strøm 1990, p.565).

In general, behavioralism and rational choice theories often took situations that could have been considered perfectly valid at a micro-level outside of an institution to be naturally the case at a macro-level within an institution, therefore the theories were reductivist in scope, as described by March and Olsen (1984):

‘1) ...the preferences and powers of the actors are exogenous to the political system, depending on their positions in the social and economic system. [...] 2) ... collective behavior is best understood as stemming from the (possibly intricate) interweaving of behavior understandable at a lower level of aggregation.’

(March & Olsen, 1984, p. 735)

In essence, behavioralism took its foundation as seeking *'to understand empirical regularities by appealing to the properties and behavior of individuals [who were the] fundamental building blocks [...] Political results were simply the aggregation of individual actions'* (Shepsle, 1989, p.133). Equally, the later rational-choice theorists were guilty of *'abstract conjectures which are modelled so stripped down, so uncomplicated and so unambiguously specified, that in many uses it is hard to think of analogous political situations'* (Dunleavy, 1991, p.1). Green and Shapiro's (1994) wounding critique of the rational-choice family was the sharpest proponent of these criticisms of *'an ambition to come up with a universal theory of politics [whilst] failing to account for the evidence'* (Green & Shapiro, 1994, p.202-203). These criticisms were built upon the rational choice tendency to *'rest on a relatively simplistic image of human motivation which may miss many of its important dimensions [...] which are frequently arbitrary or unsupported by data'* (Hall and Taylor, 1996, p.950-951).

Rational Choice Institutionalism

The fourth theoretical approach to parties was effectively a comprehensive overhaul of rational choice theory into a *'soft rational choice approach [...] acknowledging that the reduction of parties to individual candidates in their models of electoral competition had weakened empirical analyses of parties'* (Montero & Gunther 2003, p.13). Statements of what was 'rational' for politicians to do based on rigid assumptions about why politicians exist were more reflective of *observed* behaviour, rather than suppositions. Rational-choice institutionalist Kaare Strøm (1990, 1999) argued that objectives of parties (and component politicians) were more complex and included concerns beyond Downsian self-aggrandisement. Furthermore, institutions themselves would contextualise and constrain the actions of parties and thus provide indicators to how parties might act. Strøm (1990, 1999) developed a rational choice institutionalist theory of party competition on the basis of:

'...treating parties as endogenous variables whose organizational, ideological and institutional characteristics are conditioned by the strategies pursued by party leaders (functioning as rational actors) and by the various contexts of the political systems within which they act.'

(Montero & Gunther 2003, p.17)

According to Strøm (1990, 1999) there existed a trade-off between three mutually exclusive objectives; **policy, office or votes**, which motivated organisations. Even if a party was only motivated by policy pay-offs (rather than Downsian self-aggrandisement) it would still seek to achieve the objective through appropriate organisation. Each of these goals could be preferred in certain contexts, by specific parties at a particular time or circumstance. Strøm (1990) factored both a broader interpretation of what it is 'rational' to do with the complexity of how institutions may mould the behaviour of party leaders and parties themselves.

Reconciling rational choice within the context of complex institutions took many forms. Shepsle's (1979) rational choice institutionalist study of the U.S congress showed that instead of there being no '*unhappy conclusion [...] that in politics there were typically no equilibria*' (Shepsle, 1989, p.136), there could be:

'...structure-induced equilibria [...] All was not flux, final outcomes were not arbitrary [...] Outcomes appeared to track the preferences of distinguished actors upon whom institutional structure and procedure conferred disproportionate agenda power. [...] The concept of SIE [was] based on the idea that an institutional process, described by its rules, can be graphed as an extensive form game.'

(Shepsle, 1989, p. 136-7)

Leading RCI advocate Elinor Ostrom (1991) argued that institutions were essentially the missing part of rational choice theories and provided the framework for analysis of behaviour:

'To be rule-governed, the rational individual must know the rules of the games in which choices are made and how to participate in the crafting of rules to constitute better games. [...] History, institutions, and cultural traditions will play a more significant role in the evolution of rational choice theories in the future than they have in the past'

(Ostrom, 1991, p.242)

The use of rational-choice institutionalism to explore party behaviour is a growing literature (Cox, G,W & McCubbins 1993, Strøm, 1990, Strøm & Müller 1999, Samuels & Shugart, 2006, 2010) and demonstrates a reconciliation between the prior desire to create universalistic theories based on pure economic theory with more focused theories of parties, based on empirical evidence of behaviour, within institutions which undoubtedly shape behaviours. Whilst the rational-choice institutionalist approach possesses some important flaws (see *further below*), the thesis chooses this perspective as the suitable lens for an assessment of local party behaviour.

A RCI Approach to Local Party Groups

This research is firmly rooted within the rational choice institutionalist (**RCI**) family: focusing on the observation of the '*natural*' self-regarding behaviour of actors (local groups) given a fundamental change of strictures and structures in place ('committee system' to the 'blended separation of powers.')

Whilst not looking to acquire an answer to the question of why the institution was imposed upon local government or what were the consequences for

local accountability or democracy-at-large, the research *does* want to explore the impact of the new institution on party groups as organisations. This thesis possesses a singular focus on the consequences of the institutional environment on the behaviour of local groups.

The legislation, through shifting the institution in the first place, offered political science a ‘*new modelling problem [...] once change had occurred*’ (Peters, 2005, p.61). In this manner, the research follows the work of Samuels and Shugart (2006, 2010) in respect to treating the separation of powers as an institutional environment in which parties operate, subject to the incentives and constraints built into the structures. In their work, they explored the impact of institutional environment changes on the party group at national levels (Samuels & Shugart, 2010). This research combines this type of approach, as a number of party-focused rational choice institutionalists do, with Strøm’s (1990) theory of competitive political parties. In this way, RCI considers that expected and actual behaviours of actors within institutions can be theorised and measured. Thus discovering the expected and actual behaviour of local party groups as a result of the change in institutional environment is the primary ambition. As Diermeier and Krehbiel (2003) highlight:

*‘The crucial link between **institutions** (as contextual constraints) and **outcomes** (as consequences of collective choice) is **behaviour**. While the line between institutions and behaviour is not always easy to draw, it is well worth the effort to draw this line as sharply as possible.’*

(Diermeier and Krehbiel, 2003, p.126)

In this research, ‘*the exogenous constraints, or [...] exogenously given game form*’ (Shepsle, 2006, p.24) was provided by the legislation, which had imposed a roadblock for the resolution

of the Olsonian (1965) *collective action* problem of operating as a singular party group to achieve objectives. Through creating executives and non-executives, the legislation, primarily the introduction of the overview and scrutiny function (as intended to be evidence based and not party based), confronted groups (majority or opposition) with a new '*game-form*' within which to achieve their objectives. The research of this thesis explores party behaviour(s) and whether groups overcame this collective action obstruction through the techniques outlined at the end of *Chapter Three*.

Chief amongst concerns about rational-choice theories are that firstly, they often seek *universal* theories of behaviour and secondly, often do not consider empirical work to be central to their efforts (e.g. looking to explain X as a result of Y, as a universal rule of behaviour, without empirical work to substantiate these claims). In answering these criticisms, it will be essential to see how this research will differ from the literature tainted with these problems. In response to the first of these objections, whilst rational-choice has now taken institutions to its heart as a suitable lens through which to view behaviour, the 'individual' as a unit and his/her associated behaviours are still considered important:

'...the individualist will hold onto its belief that individuals cannot be taken out of such explanations [...] their actions are the cause of social change [...] which does not contradict that actions are shaped or structurally suggested by the [...] institutions in which individuals are placed.'

(Dowding, 1994, p.110)

More importantly, the common criticism of rational-choice theories focuses upon its assumptions relating to self-interested behaviour, despite the fact that people '*are not always*

egoistically maximising' (Dowding, 1994, 112), is almost moot, given that the '*worth of rational choice models is not whether they correctly explain some particular outcomes but the questions that they generate about it*' (Dowding, 1994, p.112). In relation to this research of local party groups, it will be possible to '*make some predictions about what may happen [...] given [particular] behavioural assumptions*' (Dowding, 1994, p.114). It is not to say that everyone will follow these sets of behavioural assumptions, but at the least, these can be identified, separated and generate further questions.

Relating to the second criticism of the lack of empirical work, it is inherently difficult to generate data relating to rational-choice theories such as incentives, motivations and actions. Especially at state-level, it is intrinsically problematic to not only access the actors within the institution that one is looking to explain, but also to assess the situation through potentially sensitive data. Samuels & Shugart (2010) took '*quasi-experimental cases to explore the impact of imposing a separation of origin / survival on party organization and behaviour*' (2010, p.163) but this essentially necessitated a post-hoc evaluation based on assumptions of what *might* have happened.

However assessing the motivations, goals and ambitions of individuals and groups in local government is potentially much easier. For example, a sitting Prime Minister may be unlikely to report that her party intends to maintain office for as long as possible and to do so she will ensure the members of her group will not criticise policies. In English local government, however, the lack of significant consequences of the revelations of the party group enables members to be more open about intentions and motivations. Whilst there would still be sensitivities relating to how much empirical evidence could be gathered from local groups,

given the hidden behaviours of actors, the unequivocal fact that motivations and ambitions could be explored in this way, separates this study from a substantial portion of RCI research.

Whilst this research does not necessarily seek to add to the rational-choice institutionalist approach in such a way to modify future approaches, the research provides an important modelling problem, assessing changing behaviours given shifting environments. Local parties could even serve as **rough proxies** to central parties. There exists precedent for this '*local empiricism for lessons at national*' approach to party group behaviour in Hanna Bäck's (2003, 2008) recent RCI work on coalition formation in Swedish local government as crucial information for national theorists. If it were to be established that local groups were similar to central parties, in relation to ambitions and behaviour, the conclusions of this research could have some use in demonstrating how the institutional change of moving from an assembly government to a blended separation of powers would affect the behaviour of parties across other institutions at different tiers.

Structure of the thesis

The second chapter of this thesis develops and expounds the theoretical approach for this research and how it can be used to harness conclusions about the introduction of the legislation. Subsequent to this, research questions are hypothesised for empirical testing in the mixed-methods research for this project. The third chapter addresses the institutional environment of the '*blended separation of powers*' and how it has developed as a construct to control the human condition; from early political thought through to its operation in contemporary political structures. This chapter evaluates how the configuration of institutions can and do influence the organisational behaviours of component actors (e.g. party groups).

The fourth chapter of the thesis explores the English local government context and how it differs from other tiers of government and institutional environments. The chapter considers central government's intentions relating to the Local Government Act 2000 and thus assesses the expected and actual early outcomes of the legislation. The fifth chapter of the thesis presents justifications for the methods used in this mixed-methods project; including detail on the usefulness of a survey of O&S councillors and an analysis of how case study research can assist the research goals along. The chapter also presents a critical assessment of research conducted within local government since the Act (specifically relating to groups) and whether it has been sufficient in explaining what could have happened as a result.

The sixth and seventh chapters present the results of the quantitative and qualitative research respectively, according to the variables developed in the *Chapter Two*. The eighth chapter combines the results of the both sets of empirical data and presents typologies of behaviour that build and improve upon Copus' and Leach's (2004) interpretation of political parties in England local government. The closing ninth chapter provides an evaluation of the research and concludes that the *blended separation of powers* engendered within the Local Government Act 2000 served to make local government more, rather than less, prone to domination by party groups.

Chapter Two: Theoretical Approach

Policy, Office & Vote-Seeking: A Model for Local Government?

Strøm's (1990) theory of competitive political parties is general and extensive enough to apply to non-national political arenas and is thus a suitable lens through which to view some elements of the research in this project. Strøm's (1990) assertion that groups are faced with a trade-off of three reasons for their existence, such as whether to maximise votes at an election, attain the benefits and advantages of office-holding or having an input in policy making, could hold true across many different types of arena. As a result, the theory could be used to assess how party groups may make decisions, given the possible trade-offs, in arenas such as those brought about by the Local Government Act 2000. Given that local groups do mirror the controls of national party groups (whipping, group meetings), the difference between the two as 'goal-based organisations' may be negligibly small. The following is an exploration of Strøm's (1990) seminal theory.

Parties and 'Vote-Seeking'

Strøm (1990) began with an examination of the merits of Downs' *An Economic Theory of Democracy* (1957), which gave the definition of a political party as '*a team of men seeking to control the governing apparatus by gaining office in a duly constituted election*' (1957, p.25). By a 'team' of people, Downs implied that the political party would be constituted with '*members [who] agree on all their goals instead of on just part of them*' (1957, p.25) and would be singularly '*rational, [...] their goals can be viewed as a single, consistent preference-ordering*' (1957, p.26).

Despite the difficulty of treating a party group as a singular unit, Downs relies on the axiom of self-interest, where men or women are believed to act in their own rational self-interest in

order to gain office and its ingredients of '*income, prestige and power*' (1957, p. 28). Downs' hypothesis was that '*parties formulate policies in order to win elections, rather than win elections in order to formulate policies*' (1957, p. 28) Given this self-interest axiom of political parties it would be difficult to see how the social benefit of a party's policies would ever emerge but Down's acknowledges that the '*social functions [of a government] are usually the by-products, and the private ambitions the ends, of human action*' (1957, p.29). Because each party member desires and is motivated by the trio of '*income, prestige and power*' (1957, p. 28) and none of these are necessarily as available or fruitful without access to government office, the political party, as its main endeavour, seeks to '*manipulate its policies and actions in whatever way it believes will gain it the most votes without violating constitutional rules*' (1957, p.31). Essentially vote-maximisation in Downs' model was believed to be the party's *raison d'être*.

The rational behaviour by the groups is built on the foundation that rational people, in Downs' case; possessing near perfect information, would vote for the party that seeks to improve or guarantee his or her *utility income*; '*rational men are not interested in policies per se but in their own utility incomes*' (1957, p.42). Theoretically, an incumbent government providing an electorate with a low stream of utility income is less preferable, in the view of a rational electorate, to a party offering policies which seem to increase the likelihood of higher utility incomes in the future. When the policies of both parties, in a simplified two-party system, are essentially the same or the differences are so unintelligible that the perceived differences in utility incomes are *aliquantulus*, the rational voter may then rate the historic performance of each party '*to estimate the gain he will get from voting for one party instead of the other*' (1957, p.22).

Clearly Downs admitted that this model was an abstraction rather than a reality as the premise rested on the impossibility of voters possessing perfect information and parties operating solely under the banner of the self-interest axiom and thus disregarding ideology to a considerable extent. The catch-all extent of vote-maximisation theory was also flawed by Downs' own admission that rational party behaviour makes rational voter behaviour somewhat impossible. For example, Downs admits that it is rational for parties to '*becloud their policies in a fog of ambiguity*' (1957, p.136) because each party would like to maintain the possibility of winning over '*the middle of the scale where most voters are massed*' (1957, p.135) which inevitably leads to an '*enormous overlapping of moderate policies*' (1957, p.135). This inherent ambiguity of policies in a simplified two-party system leads the voter into a more difficult selection as utility income benefits cannot be separated and analysed if each party markets a number of matching ambiguous claims in an effort to win over voters. It is at this stage that the voter is forced to use irrational, heuristic decision-making, acknowledged by Downs as variables such as '*personalities of the candidate, traditional family voting patterns, loyalty to party heroes*' (1957, p.136); thus the model falls apart.

Riker (1962) attempted to modify Downs' model by introducing what was known as the 'size principle;' where parties are believed to not necessarily want to maximise votes in total but are thought to aim '*to increase votes only up to the size of a minimum winning coalition*' (1962, p. 100). This was seen as a rational strategy for parties who retained the axiom of self-interest (obtaining office) whilst acknowledging that every vote was not necessarily needed for its principal goal. In this respect, Riker argued that the parties in this model would then have an '*incentive to develop an ideology*' (1962, p.100) and thus lose '*an absolute incentive to becloud*' (1962, p.100). The parties would then be free to '*present the voters with an artistically devised mixture of ambiguity and clarity which are varied in amounts according*

to the degree of information available' (1962, p.100). Another important element excluded is that of members and activists. If two parties offer the same types of policies intended to catch-all voters then it would be difficult to inspire members and activists, often ideologically driven, to work for the party and thus mobilise voters. As Robertson (1976) highlights, it may be rational to pick one party over another at the voting booth if there is any difference in what they are offering but '*it may very well not be worth working for it*' (1976, p. 32). Therefore there may be a trade off between how many activists can be recruited and how near a party can get to a vote maximising equilibria.

Despite the pure vote-seeking model, described by Roemer as a model of '*opportunistic politics [...] of competing candidates*' (2001, p.27), strongly representing the American electoral system of X vs. Y, Strøm (1990) argues that it could equally be applicable in other arena such as Westminster where two parties '*with a large expected vote (close to 50%) [...] resemble two party systems in their pursuit of votes*' (Strøm, 1990, p. 592). In this sense, it would make rational sense for both parties (of similar support) to vote-maximise. Typically, however, it was argued that this type of *vote-seeking* would only be a characteristic of parties who possessed relatively '*unaccountable leaders and low degrees of intra-party democracy*' (Strøm, 1990, p.592), which would allow for '*moderate policies*' (Downs, 1957, p.135) and thus not require activists (who typically harbour less centripetal demands) to such an extent due to operating '*capital intensive[ly]*' (Strøm, 1990, p.592). Strøm's (1990, p.592) theory suggested that the British Conservative Party may fit this vote-seeking model at times; though clearly subsequent to his theory, it could be argued that the Labour Party also operated similar tactics with the shift to New Labour. In terms of English local government, there are authorities across the country routinely split by two parties (frequently Conservative / Labour

but increasingly more Conservative / Lib Dem or Labour / Lib Dem) creating similar conditions where vote-maximising would be and is a suitable strategy for party groups.

Parties and 'Office Seeking'

As an alternative method of explaining political party group competition, Riker's (1962) criticism of Downs's vote-maximisation model led to the 'size principle' of parties seeking only to win a minimum winning coalition, resulting in the formulation of another party behavioural type; the office-seeking party. In this model, a party is seen to view the reward of **obtaining office alone as valuable** and therefore aims to '*maximise its control of elected office, often operationally defined in terms of government portfolios*' (Strøm, 1990, pg 567). Therefore rather than aim to become elected as a government for the purposes of implementing a policy agenda, the office-seeking party simply aims to maximise its numbers in an administration for the benefits that it would confer.

Primarily, the model has developed out of the study of coalition formation, where office-seeking parties would often join an administration for the sole aim of being in office with benefits such as '*politically discretionary governmental and sub-governmental appointments*' (Strøm, 1990, p. 567). Parties seeking to obtain office as a sole ambition, such as minor parties seeking a cabinet position, are more than likely to want to achieve a '*pivotal membership in a government coalition [which has] more value than nonpivotal membership*' (Budge & Laver 1986, p.491). In this respect, their unrivalled ability to collapse a majority coalition can give a small party a wholly disproportionate influence over government matters. Budge and Laver (1986) rank important roles such as '*a vote at cabinet meetings [and] the portfolios of Finance, External Affairs and Internal Affairs*' (1986, p.491) as high payoffs for office-seeking parties.

An example from the multi-party democracies of Western Europe is the Irish Fianna Fáil party which Marsh and Mitchell (1999) contend represents a type of office-seeking party. Historically it had been evident in Ireland that being in control of government was an *'electoral liability [...] [where] government parties lost votes at the next election, with a net average of -3.5%'* (1999, p. 38). Given proportional representation where it is likely that a single party will not easily achieve a majority in the Dáil Éireann, the largest party, Fianna Fáil, often became the largest party but without a majority. Given that holding office in Ireland *'incurs an electoral cost is not to say that parties are unwilling to pay it'* (1999, p. 39) and Fianna Fáil *'has [...] always gone into government when it could, irrespective of electoral considerations'* (1999, p. 39). Therefore regardless of whether the party would have a minority or majority government, Fianna Fáil has always entered into government when it was possible to do so, even going as far as negotiating coalition deals which were proven to be more of an electoral liability than a single-party government (1999, p. 40 – Table 2.2). Given that there were some occasions where Fianna Fáil were willing to give up some *'immediate office payoffs in the knowledge that it would return after the next election and claim all of the prizes'* (1999, p. 40) it was argued more generally that for Fianna Fáil there was *'no conscious trade-off between votes and office [and] the office motivation always wins'* (1999, p.40).

The inherent weakness of the model of office-seeking parties is that the type cannot explain party groups who decide to forgo the benefits of office for a number of reasons. For example a party may choose to opt out of a governing coalition because of a disagreement over a policy in a contentious two-dimensional space, such as the example of Iceland regarding building a NATO / US base, where such examples of fundamental disagreements has led to *'only two Icelandic coalitions in the post-war period [lasting] the full term'* (Grímsson, 1982,

p.177) and in Germany, where parties have left governing coalitions but *'the government majority in the Bundestag was in no way jeopardised by the withdrawal of coalition partners'* (Norpoth, 1982, p. 27). Purely office-seeking parties would not dissolve a governing coalition to sit in opposition as the very essence of the model is characterised by the sole ambition of attaining or maintaining office. Furthermore, minority governments, in general, pose a major obstacle to the explanatory role of the office-seeking party as a minoritarian government suffers a high risk of losing office due to the potential impasse in policy implementation. Why, therefore, do minority governments not form majority coalitions? Is this, as Strøm (1984) suggests due to the minority government taking into account *'the role of prospective elections'* (1984, p.223) that will turn their minority into a majority, or is this because parties outside the governing coalition view opposition status as a route that can offer higher payoffs that far outweigh those of holding office (1984, p. 223)? The mere fact that post-1945 until 1982, thirty-five percent (1984, p.201) of all governments in Western parliamentary democracies were minoritarian goes some way to reduce the explanatory value of pure office-seeking parties, but the type of behaviour is important to consider.

In local government terms, a party group, motivated by achieving positions which offered a SRA (special responsibility allowance) could be sought after for their intrinsic value. Rather than purely motivated for pecuniary gains for their own sake, this could be to reinvest in electoral battles. There are also authorities in local government which naturally tend towards *'no overall control,'* which could lead to parties solely focused on making up part of an administration rather than attempting to take a majority of seats. Another reason to office-seek in local government is due to the functional difference between those in administration and opposition, thus in order to guarantee direct influence, any office might be pursued above all; *'the greater the office benefit differential between government and opposition relative to the*

policy influence differential, the greater the propensity of political parties toward office-seeking behaviour' (Strøm, 1990, p.589).¹

Parties and 'Policy Seeking'

The third general model of party behaviour is that of the policy-seeking party; which seeks to influence policy rather than office or votes *per se*. The model is *paregal*² to the office-seeking model of party behaviour in respect to a failure of both; to allow coalitions of any party to come together. For example, in the office-seeking model coalitions would be expected to form between parties from widely different ideological perspectives; such as coalitions between left and right. Policy-based coalition theory, however, *'assumes that coalitions are made by parties that are congenial in policy terms'* (Strøm & Müller, 1999, p. 7). Thus the policy seeking party is one that is expected to be *'issue-oriented and, quite simply, give priority to their policies'* (Wolinetz, 2002, p.150).

Furthermore, a policy-seeking party may not want to reap the rewards of office but merely have an influence over a government's agenda; such as an allocation of voting rights in a government or by appealing to extra-institutional bodies to push their agenda. Other examples of how policy-seeking parties achieve an input include; being a party outside of a governing coalition and being large enough to be *'pivotal in legislative votes'* and therefore *'bring down the government and thus wield as much power over executive policy outputs as if they were sitting at the cabinet table'* (Budge & Laver, 1986, p. 497) From the other side, a policy-seeking party could hold inordinate control over minority governments which rely on the support of others to pass legislation and therefore due to the possibility of *'logrolling deals*

¹ However, there would be considerably more party focus towards office-seeking in elected-mayoral authorities, in order to take control of the powerful executive role.

² *'an equal [...] a match'* (OED 2010)

[resulting in] policy packages located well away from the centre [of the policy space]' (Budge & Laver, 1986, p. 498) a policy-seeking party could push through its own agenda without attaining office. Examples of pure policy-seeking parties, like the office-seeking party, are rare because of the interrelation between office-seekers and policy-seekers. Would policy-seekers not value office benefits at all and would office-seekers enter office without any policy motivation at all? Examples could include small activist-intensive parties with high levels of intra-party democracy and permeable recruitment structures where *'higher-level officers and candidates are recruited from lower levels within the party'* (Strøm, 1990, p. 593); meaning that policy preferences are typically not centripetal. Kirchheimer (1966, p.187) notes that parties such as the South Tyrolean People's Party or parties that had a restricted ideology such as the Dutch Calvinists were never likely to be catch-all parties who aimed to vote-maximise by proffering policies to win over an electorate; instead their *'raison-d'etre [was] the defence of a specific clientele or the lobbying for a limited reform clearly delineated to allow for a restricted appeal'* (1966, p.188). Another more modern and striking example is the Dutch 'Party for the Animals' which claims that it is a testimonial party (*Beginsepartij*) that exists for the purposes of *'[making] their faith witnessed'* (De PvdD, 2006, online).

'De PvdD is een getuigenispartij en daar is niets mis mee'

(trans. 'The PvdD is a testimony party and there is nothing wrong with that.')

(De PvdD, 2006, online)

In English local government, parties who sought to deliver only a selection of particularistic policies, such as single-issue groups, who might never achieve a majority due to geographic concerns (e.g. *Anyvillage Against Monorail*), might seek to influence policy alone.

Difficulties of Strøm's Theory

Strøm (1990) acknowledges the weaknesses of each of the party behaviour types such as treating each goal (e.g. vote-seeking) as a static choice at a specific time without giving any credence to '*conditioning of past events, as well as [...] the anticipation of future benefits*' (1990, p.569). For example, assumed vote-maximising parties who seek to win elections are short-termist in the sense that once the party has won office there are usually electoral costs associated with incumbency, *ergo* a vote-maximising party in time frame 't' is vote-maximising in the short-term period of 't' alone. Furthermore, Strøm acknowledges the conceptual stretch that allows the models to view all parties as unitary collective actors. This is clearly more than debateable across parties that might give control precedence to a specific set of powerful elites or those parties that have a high level of intra-party democracy or a multiplicity of factions with differing goals to those of other groups of the party. Importantly, the operating institutional environment for parties, such as the type of separation of powers (*see above*: Samuels and Shugart, 2006) and types of electoral rewards also significantly affect each of the party behaviour types and whether parties can be viewed as single units. In the case of the 'blended' separation, unitary action is encouraged due to collective responsibility (*see below*), thus it is somewhat easier to view parties as unitary collective actors.

Despite the drawbacks of each 'type,' Strøm acknowledges the usefulness of having the three goals despite the arrant oversimplification of 'party' conduct and therefore argues that their usefulness is in '*the deductive results they generate*' (1990, p. 570). Strøm considers that there is a conscious trade-off between each of the objectives, principally because the goals (policy, office, votes) are mostly '*independent, mutually conflicting forms of behaviour in which political parties can engage*' (1990, p. 571). Algebraically, Strøm identified that parties

give varying amounts of credence to each of these activities; $B = w_1V + w_2O + w_3P$ (1990, p.571) (where B (*behaviour*) is the location in the behavioural space and w_1 to w_3 are coefficients indicating the weight of each type of behaviour.) The resulting graphical representation is replicated below.

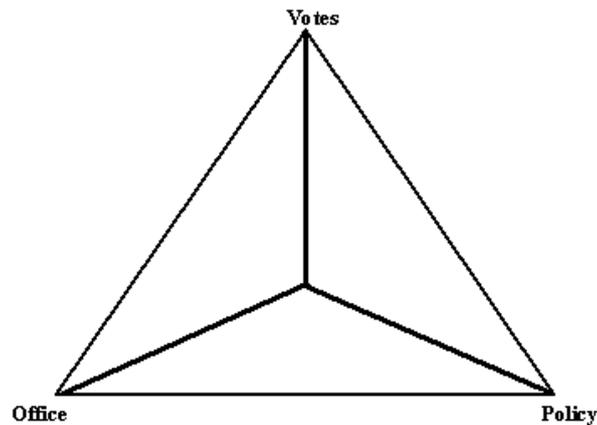


Fig 2.1: Policy, Office, Votes Trade-Off

Wolinetz (2002) argues that Strøm’s schematization is useful in the sense that unlike previous classificatory approaches the behavioural traits noted by Strøm can ‘*reflect facets of parties’ or factions’ behaviour and preferences, and can also be related to party structure and organisation*’ (2002, p. 149). Using ‘goal orientation’ as a comparator between state and local level, given that Strøm’s condition that ‘*there must be spoils for parties to be spoils orientated*’ (Strøm, 1990, p. 570) is fulfilled within both institutional settings, combined with analogous organisational controls to promote cohesion, the theory of competitive political parties could be transposed onto the competition between parties in English local government.

The Local Government Act 2000: The ‘Parliamentary Blend’ Separation of Powers

Given that local parties could possess objectives, an introduction of a new institutional environment creates problems in resolving these ambitions under a new framework. In a blended separation of powers, local groups within a two-party, vote-maximising strategy might focus their attentions on ensuring that there was zero possibility of councillors affecting

their electoral concerns and thus intra-party discipline could be imposed to the extent that there would be no tolerance relating to deviance from the party line. Office-seeking parties, operating under the blended separation of powers, could ensure that any posts allocated as part of a negotiation were either utilised for further office goals or maintenance of the post. Alternatively, office-seeking parties attempting to maintain office as part of a coalition agreement might agree with the larger partner to work with (*vote with*) the largest group regarding policy or the budget, thus non-office holding councillors would have their hands bound to the maintenance of the coalition agreement. Under the same institutional environment, policy-seeking groups could insist that all councillors remained compliant in sustaining the party's drive for their core policy issues. *Essentially, given the introduction of overview and scrutiny, where public criticism could fracture the party, the existence of group objectives may encourage leaders of parties to impose restrictions on the abilities of their members.* Party leaders of groups possess some *controls* over their component parliamentary and extra-parliamentary party. This relationship does not change when a party moves from power to opposition or opposition to power. Thus the party leadership has charge over rules and regulations such as candidate selection, party exclusion, party deselection, promotion to higher ranks, cabinet role allocation and in certain constitutional settings; the right to announce an election if the party is in administration.

In structural terms, voters essentially delegate to two agents under a presidential system (the president and congress) whereas in a parliamentary system, the voter has one agent; parliament (where executive election is indirect.) The separation of powers in the Presidential system is thus seen, by Samuels and Shugart (2006), as *transactional* as the two agencies elected by citizens must '*subsequently transact with each other to get anything done, even if the president and the legislative majority come from the same party*' (Samuels & Shugart,

2006, p.10). The single-agency of the parliamentary separation of powers is thus not a series of exchanges and compromises and is far more *hierarchical*; *'the parliamentary majority becomes a principal in its relationship with the prime minister'* (2006, p.10).

Under this hierarchical relationship that exists between an indirectly elected executive and the legislature, given Samuels and Shugart's (2006) assumption that politicians are necessarily ambitious; incorporating *'legislative re-election, climbing the ranks of party hierarchy, seeking a cabinet portfolio, pursuit [...] of the prime ministership or pursuit of policy goals'* (2006, p.14-15), individual politicians who want to achieve these goals realise that *'political parties provide ambitious individuals with collective benefits that would not accrue in their absence'* (2006, p. 12). As a result, it is essential that individual politicians accept the hierarchical chain of command and the *'binding of one's hands to the group [and] compelling investment in the public good'* (2006, p.13). The investment in the 'public good,' the party's 'united public offering,' is necessary because of the lack of a separation of origin in parliamentary systems as both an executive and legislature are chosen in the same election for the same purpose. Politicians (or party candidates for election) realise that the party *itself* provides the key to electoral success; *'Politicians thus form parties because they come to regard a collective good, their party's public reputation or "brand name" as critical to their individual success'* (2006, p.12). Under a parliamentary system, a legislature and executive are prone to support each other more closely because they both carry the party brand and thus 'use' the brand for their personal ambition (not solely re-election, but possibilities of policy input or associated office benefits). If individual MPs choose to revolt, the party can be fractured and the brand would be adversely affected because of this. Essentially Samuels and Shugart refer to the underproduction of the public good by individual MPs as *'free riding'* (2006, p.7).

'In a parliamentary system, because survival is mutually dependent, the party and the prime minister have greater incentives to support each other. In presidential systems, the separation of survival makes intra-party negotiation over such differences more difficult: a party may choose to accept presidential proposals, or it may choose to ignore or resist them.'

(Samuels & Shugart, 2006, p.25)

Where individual councillors underproduce the public good of the party brand, **party leaders in a blended separation of powers have the capability to corral the production of the 'public good' through imposing constraints on individuals.**

Determinants which Intensify Objectives

Whilst all parties would possess goals and the achievement of these would be imperative, Strøm uses his analysis to formulate conclusions about how behaviour might differ in certain circumstances. For example, Strøm argues that the *'greater degree of electoral competitiveness [...] the more parties will pursue votes [and] the greater the certainty that votes will be accurately translated into legislative weights, the more value parties will place on electoral objectives'* (Strøm, 1990, p.588). The most competitive environments in local government would be authorities which could feasibly be controlled by a few parties. These competitive authorities would intensify the need to achieve party electoral objectives and thus lead to more intensive protective behaviour and thus potentially more **control** over members.

Another of Strøm's conclusions (with Müller) was that the *'location of a particular party in policy space has a clear effect on its opportunity sets [...] Pivotal parties have a better chance of maximising their office and policy goals'* (Strøm & Muller 1999, p.291) and thus will tend

to focus upon achieving these objectives more intensely. This evidence came from work based on the German FDP and the Christian Democrats in the Netherlands (1999, p.291) and could suggest that the centripetal parties of English local government (i.e. Liberal Democrats) would have more of an incentive to follow their policy or office goals more intently than those parties whose ideological constraints do not permit coalitions to such an extent (local Labour / Conservative parties – based on the Dutch Labour Party or the Italian Democratic Party for the left (1999, p.291)).

The third conclusion of the determinants of party behaviour, relevant to local parties in English local government, related to **the levels of factionalism within groups**. Given the theory's reliance on treating the group as a unitary actor, it has not been established how factions would affect the group being able to act as a singular entity in pursuing its goals. Strøm & Müller (1999) argue that an excessively factionalised group would be more difficult to consider as acting as a unitary organisation given '*threat of desertion*' (1999, p.294) because a faction's power '*rests in their capacity to influence the implementation of party strategy*' (1999, p.294).

However they argue that some parties which are factionalised may indeed be thought of as a unitary actor if the party group '*adopts a strategy that satisfies all factions and thus is the party's lowest common denominator*' (Strøm & Müller 1999, p.294). For example, if factions exist (such as an old Labour, New Labour), the Labour party might seek to protect only the common goals amongst both sets of councillors (i.e. at least protecting **votes** if not advancing **policy** and thus subsuming grievances under one banner). However, parties which are significantly factionalised with exceptionally diverse goals would be an obstacle to viewing groups as unitary actors with a common purpose and the parties will '*face difficulties in*

implementing [their] strategies ' (1999, p.294). In this sense '*factions imply constraints*' (1999, p.295) on group control. In an English local government setting, the functions do not necessarily breed exceptionally factionalised parties on most issues, but will undeniably exist, just as disagreements, in general, exist amongst groups. However the piquancy of irresolvable factions is not pervasive and when making an appearance, organisations such as Labour's NEC often step in to mediate disputes (*Chapter Four*; Walsall / Hackney).

Norway Case: Institutional Change at Bergen & Oslo Councils

There is precedent to believe that both group competition in local government and limited functions do lead to parties seeking to protect their objectives in the same way that national party theorists consider state-level groups to do so. For example, Bergen and Oslo City Council undertook a parallel transformation to a Westminster separation of powers in the same year as the Local Government Act 2000, with the only dissimilarity being PR elections. The result of the introduction of the blended structure was a perpetuation of a staunchly competitive party system. In an interview with a non-executive administration party member who was vice-chair of a committee at Bergen, it was reported that there were informal but strict coalition rules to prevent deviance in committees. For example, the coalition held group meetings before committees to formulate and hold a line and the administration parties discouraged criticism in these committees:

'We don't need to co-operate with the left side of politics. [...] [the administration] have already decided it and you wouldn't be very popular if you turned it upside down, if you wanted to do something else. [...] We have consulting meetings two days prior to the committee meeting when we also meet those who are responsible [for the decisions]. If you would like to do changes, we could of course do it, but then we

*would have to tell him at that meeting prior to the committee. [...] I have complained to him because I don't agree [...] or I think it is a bad case or whatever and that's quite OK if I tell him before the official meeting. **But I cannot do it in the [committee] meeting. [...] Yes, we don't criticise in public. We leave that to the opposition!** (Respondent laughs) [...] They are not in office, it's not their politics.'*

(Interview with Høyre administration party member, Bergen City Council, 2009)

Thus despite the limited functions of sub-national government, the competitiveness of parties can remain strong and comparable with the central tier, thus the relevance of Strøm's theory could be fruitful when exploring the reactions to constitutional change in local government. With an introduction of a separation of powers in Bergen, the committees that were intended for evidence-based deliberation were, instead, strictly controlled arenas to maintain group lines and protect electoral objectives. With the introduction of O&S in English local authorities, do party aims and objectives ensure that non-executive deliberation happens in a similar controlled way?

Measuring Party Behaviour

It is important to discuss the fundamental basis of how, why and if parties do actually *change* and how this can be observed. Harmel and Janda (1994) developed a theory of party change that uses the identification, attainment or failure to achieve goals as a major reason in explaining changes in political parties (1994, p. 259). One of the major premises of the theory is that each political party has a number of goals, but essentially one *primary* goal such as Strøm's policy, office, vote goal trade-off; one of the goals is usually always preferred to the other two. Secondly, the most '*dramatic and broadest changes will occur only when the party has experienced an external shock*' (1994, p. 265) that has occurred outside the party and not

under its direct control. Lastly the way in which parties react to these external shocks differs according to which goal they ultimately aimed for; for example electoral defeat would be a serious external shock to vote-maximising parties, the demise of the Soviet Union would have been an external shock to policy-seeking communist parties and changes to the potential rewards of office would be an external shock to office-seeking parties. Harmel and Janda (1994) conceptualise three different types of external shocks for political parties such as *environmental events*, for instance a worker strike or war (1994, p. 276), *environmental modifications*, such as a legislative change effecting how parties operate and *environmental trends* such as a series of ongoing changes outside of the party (e.g. gradual trends in constituency demographics.) The party reactions to these changing conditions encompasses ‘*all self-imposed changes in party rules, structures, policies, strategies or tactics*’ (1994, p. 277) but broadly speaking, party reactions correspond to the types of environmental change; a *party event* such as picking a new leadership team, a *party modification* such as changing intra-party regulations or a *party trend* such as gradually shifting to a new policy space.

In this thesis’ research context there had been an external shock in the form of an *environmental modification* which ‘*altered the environment in which the parties operated*’ (1994, p.277). The contention of this research is that this *environmental modification* brought about by the introduction of the Local Government Act 2000 would significantly affect how party groups were expected to operate and thus considerably alter their ability to achieve their primary goals (policy, office, votes). Parties would have been faced with potential options for change such as party modification, a party event or gradual party change. As a direct result of wanting to maintain performance in achieving their primary goals despite the external shock of a change in legislation, this research aims to establish that the groups thought that *party modifications* to retain control of their teleological ends would be an appropriate way to strike

against this shock. For example, modifying behaviour to ensure the threat of the public arena of evidence-based overview and scrutiny would not impact the party's fundamental goals.

1. The Shock: *Environmental Modification* – ‘the blended separation of powers’

In the introduction of a blended separation of powers there was a clear affront to the workings of the local group's closed-door system of decision-making in local government. Ninety-five percent of English local authorities had determined that the cabinet and leader model, from the selection offered in the legislation, was the least affrontive change to their operating environment. It is likely that party groups understood that the parliamentary cabinet and leader system was the nearest to what had already developed in local government and **were fully aware that this model ensured that the party would retain control of authorities** (Stoker 2004, p.127, Copus 1999b, Leach 1999).

More significantly, this change from assembly government to a parliamentary separation of powers created a problem for parties because of the new institutional environment it created. The introduction of overview and scrutiny committees created a situation where non-executive majority party members were expected to objectively ‘oversee and scrutinise’ their executive party colleagues in a public arena and opposition party groups were mandated to constructively work with an administration, which could conflict with their office / votes goals. Given that groups have strict standing orders and regulations about what can and cannot not be said outside of the privacy of the party group, the ‘*theatre of representation*’ *from which the public and media are, of course, excluded*’ (Copus & Leach, 2004, p.338), the introduction of a new transparent, more accountable and public system of government was very likely to considerably alter party abilities to achieve their primary goals. Despite natural

loyalty inherent in the blended separation of powers, the function confronted party ambitions through the sheer possibility of **public disunity and ‘free-riding.’**

Highlighting the possibilities of obeying the legislation, a fractured opposition working on policy development with non-executive administration party members would inextricably link them to administration policies (thus the party might not reap rewards of dissatisfaction with a majority party) and public criticism of an administration decision from a non-executive administration party member would, for the opposition, be a veritable quarterstaff with which to beat the administration. In general terms, under the blended separation of powers it would be likely that a vote-seeking party who sought to maintain its administration would find it more difficult to maintain votes (and thus office) if intra-party criticism moved from inside to outside the group. (i.e. a majority party member could criticise colleagues within a O&S setting rather than in private group, costing votes). For parties in opposition the legislation would also alter their ability to achieve their primary goals, for example, a policy-seeking party on a council may want to impact authority policy through one of the few outlets of expression in local government, such as overview and scrutiny, and thus compel its members to toe the party policy line on this issue and thus exclude evidence.

2. The Reaction: Party modification – ‘cracking the whip’

Given that the new institutional environment resulted in the perpetuation of *hierarchical* party relationships in local party groups (Samuels & Shugart, 2006, 2010), where the ‘agents’ or leaders of the party groups had a responsibility to ensure the group worked together for its ambition, in combination with the particularistic institutional factors that make local government potentially just as (or *more so*) competitive as its central counterpart, it is the argument of this research that local party groups leaders (as ‘agents’ for the ‘principals’)

would have attempted to ensure that the group remained in control of decision-making, through encouraging cohesion and maintaining discipline within their ranks in resistance to the intention of the legislation.

In this sense, group leaders, legitimised by the group, will have actively sought to maintain unity and thus make the intended ‘open arena’ of overview and scrutiny difficult, due to the unremitting need for the party to achieve its goals. Regardless of the party affiliation or historical development, the fundamental requirement for an organisation to fulfil its purpose overrides any supposed tendency for individualism. Essentially, whether central or local, parties as organisations of *aggregations of preferences* will act as aggregated parties. Given that the blended separation maintained that speaking against the group was speaking against the common purpose, collectivity could be the natural result. Faced with an affrontive institution that could jeopardise the achievement of goals, party leaders would have worked against the introduction through encouraging party cohesion and utilising discipline. Following Strøm’s conclusions, these counteractive actions towards achieving their goals would be *more intensive in competitive local authorities for vote-seeking, more intensive to Liberal Democrats (or pivot parties) when policy or office-seeking and stronger in authorities without embedded factionalism.*

In order to actually measure this perpetuation of party control in English local government, Harmel and Janda (1994, p277) defined a party change for the purposes of their research to include all changes relating to ‘*party rules, structures, policies, strategies or tactics*’ (1994, p.277). However they specifically defined a *party modification* as something which affects the party’s rules and regulations but were unable to research these particular changes in isolation. In subsequent empirical work the same authors developed a series of coding procedures in

order to track party characteristics in nineteen parties from Europe to the U.S. These were a series of *'judgemental coding procedures to tap the unofficial story of parties' goals, organisation, internal distribution of power, strategy / tactics and ideological / issue orientation'* (1995, p.2). Of Harmel, Janda, Tan & Heo's (1995, p.25) forty-three objects of change, the following list of organisational variables are the some of the most important dimensions relating to party rules, regulations and thus strategic and tactical changes in parties that are important in this research:

Relating to organisational complexity:

1. Frequency of local meetings
2. Pervasiveness of organisation

Variables relating to centralisation of power and distribution of power³

3. Formulating policy
4. Controlling communications
5. Administering discipline
6. Candidate selection
7. Allocation of public policy positions

The reason for not selecting the more abstract variables, such as the allocation of funds or more intangible variables is that, firstly, some elements do not apply to local groups, who are themselves constrained by their central party and do not have the power to change certain features of their organisation and, secondly, due to the reason that some of the variables put *'an overly abstract straitjacket on particular events [and it] runs the risk of losing sight of the*

³ Harmel and Janda (1995, p. 25) use the term *'nationalisation'* of power which I have replaced with the more appropriate *'centralisation'* of power.

wood for the trees' (Bale, 2008, p.272-273). Thus the following selection of variables has been amended and chosen to ensure that they apply to the nature of levers available to parties in local government.

Relating to organisational complexity

V1 Local party group meetings

V2 Pervasiveness of organisation

Variables relating to the centralisation of power and distribution of power

V3 Centralisation of policy formulation

V4 Preclusory discipline

V5 Cohibition of individual councillor communication

V6 Administration of castigative discipline

V7 Allocation of positions

V1: Local Party Group Meetings

In the local government context, group meetings had been the closed-shop method for both majority groups taking decisions and opposition groups to discuss a counterstrategy. The introduction of the legislation sought to quell the lack of transparency of this process by bringing some of these discussions out of the shadows and into the view of the public, through the introduction of the overview and scrutiny process. It is the contention of this research that group meetings serve a valuable purpose of aggregating the demands of the party and ensuring cohesion is commonplace for the arenas such as full council, where the glare of the public spotlight is often focused. If a party is not unified and organised in full council, where bloc voting is often required, then the party will fail in its shared goal.

Via the same route, shared goals are also put at stake with the introduction of overview and scrutiny, where public discussions about policies, issues and services were expected to take place. Thus it would be rational for the group to ensure that shared goals and aims were not violated in this new public arena. Though implicitly discouraged in the legislation's guidance, groups should find it *theoretically* rational to organise meetings prior to overview and scrutiny, either to remind councillors of their obligations to a particular shared policy goal or collectively agree about the topics under discussion and thus develop a party perspective on the anticipated outcome. In more technical terms, the reason for devoting time to overview and scrutiny would be to ensure that component councillors would not '*overproduce particularistic benefits [...] and under produce collective benefits [...] in an electorally inefficient fashion*' (Cox and McCubbins, 1993, p.125).

Thus the hypothesis relating to party meetings is that the aims of the group would need protection from the public arena and group meetings relating to the operation of overview and scrutiny would take place. These would happen either directly preceding the committee itself or devoting a portion of a regular group meeting to the agenda of upcoming scrutiny committees for the specific purpose of discussing the perspective of the party. The null and alternative hypotheses are detailed below:

H₀: Groups follow the legislation's intention and do not hold pre-overview and scrutiny group meetings or devote time to overview and scrutiny in regular party group meetings – as a *method to formulate party perspective*.

H₁: Groups either hold pre-overview and scrutiny group meetings or devote time to overview and scrutiny in regular party group meetings – as a *method to formulate party perspective*.

V2: Pervasiveness of organisation

Harmel, Janda, Tan & Heo's (1995) variables such as the *pervasiveness of organisation* are effectively intangible in a quantifiable sense yet the variable reflects a factor that is indispensable to the research. For example, one of the key concerns of the legislation was to '*strengthen the role of the councillor*' (Young & Rao, 1997, p. 227) to ensure that parties '*would be less able to operate behind closed doors without debate and review*' (DETR, 1998a, p.30). Thus by the legislation aiming to ensure that the party no longer took a leading role in all aspects of the decision-making and requiring that councillors were '*not merely there either always to oppose the executive or to rubber-stamp the executive's decisions*' (DETR, 2000, para 3.30), the party was being mandated to diminish its control.

In theoretical terms, the group, as an organisation, would require permeation of most councillor activities in order to ensure that agreed collective goals (policy, office, votes) were either delivered (i.e. full council) or maintained (i.e. speaking to the media, overview and scrutiny). In order to protect the Samuel and Shugart's (2006) '*brand*' or reputation of the party, the party's presence in the councillor's day-to-day activities would have to be high. Thus the hypothesis as a result of the legislation would relate to the permeation of roles of O&S:

H₀: Groups roll back the pervasiveness of the party in public councillor activities, such as the new overview and scrutiny function, following the legislation.

H₁: Groups disregard the guidance and ensure the party remains pervasive and prevalent in aspects of public councillor activities such as overview and scrutiny.

V3: Centralisation of policy formulation

In reflection on the specifically *hierarchical* nature of the blended separation of powers, where there is an indirectly elected executive (of both the authority and the group), the power of the party leadership is conditional on the support of the group itself. However, given the need for the leadership to protect party goals and the previously highlighted need for individual politicians to accept the hierarchical chain of command and the '*binding of one's hands to the group*' (Samuels and Shugart, 2006, p. 13), the circumstances allow the leader of a group to dictate the methods of action which would best secure success or the satisficing of party ambitions. Thus it would be expected that when the group formulates policy, there is an underlying principle, given that politicians may be individually ambitious (e.g. re-election, cabinet positions, wanting bigger policy input), that group members will want to ensure that the leadership is followed where necessary. This may be especially relevant in reference to a leader's control over allocation to positions that hold a financial '*special responsibility allowance*' such as cabinet positions or chair or vice-chair positions.

Consequently, even though one of the aims of the legislation was to improve council oversight by ensuring that policy development and review was conducted through evidence-based cross-party deliberation, the party machinery, in a *blended* institutional environment where councillors are not equal, encourages leaders to take a dominant role in party policy development. Uniformly there would be an expectation that non-executive councillors (the *principals*) would delegate to the party leader ('*agent*'), in order that overview and scrutiny councillors could follow the leaderships' requirements and thus progress in their career or financial objectives. It makes rational sense for competitive political parties seeking office, policy or votes, to allow the leader control over policy as Strøm (1990) argues that '*when*

leaders sacrifice organisational power or policy influence, myopic and electorally inefficient party behaviour follows' (Strøm, 1990, p. 578).

However it is important to restate that the centralisation of policy formulation does not mean that the party leadership would be unconstrained, as the power of the leader is conditional on the continued support of the group. Thus whilst policy may be centralised for goal-satisficing efficiency as a result of the legislation, the leadership must seek agreement for their intentions. Thus the null and alternative hypotheses are as follows:

H₀: Policy development and formulation in groups follows the legislation's intention and is partially delegated⁴ to evidence-based overview and scrutiny.

H₁: Policy development and formulation in groups is centralised to the party leadership and is not delegated to evidence-based overview and scrutiny.

V4: Preclusory⁵ discipline

Given the need to protect the party's aims, whether relating to implementing a particular policy for its worth to the party cause or to increase chances at an upcoming election, the need to maintain discipline amongst party groups is paramount. In the public arena of overview and scrutiny, fractures such as intra-party dissent could be used by the opposition as evidence of group divisions. Where the public and media are able attend proceedings, the need for maintaining organisational discipline is a concern to groups. As in *Chapter Three*, the natural behaviour of elected members in a blended institutional separation is that they '*will probably be aware of their party as an important constraint on the nature and degree of permissible self-interested behaviour*' (1995, p.321) but to reinforce this, the rational party might be expected to organise the party in such a way that prevents self-interested behaviour in public,

⁴ **For the majority party** – this would be divided between the party, the cabinet and overview and scrutiny. **For an opposition party** – this would be divided between the party and overview and scrutiny.

⁵ Here indicating '*preventative of something [...] an event, occurrence, etc.*' (OED 2010)

especially when the stakes are high. Consequently, this variable looks at whipping as both an implicit and explicit tool to organise members in such a way to preclude possible deviant behaviour that would be detrimental to the goals of the party. If individual politicians choose to revolt on a significant issue which is essential for the agreed party's ends, the organisation would be fractured and the party would be adversely affected.

The legislation advised that groups should not use an explicit whip because of the importance of the need for evidence-based deliberation, however, the likelihood of this based on the need to maintain a unified party should be low given the possibility of deliberating upon issues within overview and scrutiny that the wider group will have a perspective on. Given the common occurrence of whipping in the committee system, the need for organisational discipline would remain unchanged. Previous research (*Chapter Five*) has looked at the occurrence of explicit whipping in relation to overview and scrutiny but has failed to take account of the intricacies of mandation upon councillors such as implied, threat-based whipping. Given the requirements of the group to stay united on issues which are important from a policy, office or votes perspective, party unification through preclusory discipline (explicitly or implicitly) would be a common occurrence across all local authorities with party groups. The hypotheses relating to the prevalence of preclusory discipline are as follows:

H₀: Groups would not use explicit or implicit organisational discipline in relation to overview and scrutiny, following the regulations in legislation.

H₁: Groups would use explicit or implicit organisational discipline in relation to overview and scrutiny, against the regulations in legislation, in order to maintain party cohesion on issues of importance to the party.

V5: Cohibition⁶ of individual councillor communication

The need for the party to maintain its control over its components and act in unity is already demonstrated within the developed sets of regulations of party groups, where often there are certain types of communications which are completely forbidden (i.e. speak to the group leader first - *Chapter Four*.) Given the introduction of the overview and scrutiny function where communication was intended to be unmoderated, the group would take steps to restrain and cohibit the actions of individual councillors, if the lack of moderation were to be destructive to the party's goals. The higher the cohibition of councillor communication, the less likely the party will be fractured in their approach to policy, scrutiny and performance management et al. *Vice versa*, the lower the cohibition, the more likely the party will suffer as a result of their divergence from the party purpose as an aggregator of preferences.

Thus it is rational for a party with goals to moderate the locations in which and the content of what councillors may want to communicate in public. **Whilst the party group rules of all three parties specifically command party groups to ensure that councillor communication is moderated (see C4), the explicit exception of 'overview and scrutiny,' whilst demonstrating a faithful heeding of the legislation, would be unlikely to be maintained.** Parties looking to protect themselves from potentially destructive deviance could brief party representatives about the appropriate outlets for discussing grievances over policies, ensuring members do not criticise the group in meetings or ensuring that the media are not used to discuss items that the party has agreed upon. For example, it would seem rational to prevent a non-executive administration chair of a resource scrutiny committee from widely disseminating the results of a cross-party investigation into a cabinet member's budget overspend. Thus as a result of the party's need to cohibit councillor communication in areas

⁶ Here meaning 'restraint, restriction; check, stoppage' (OED 2010)

such as full council, with the media or in public, it seems reasonable that these same arenas share the **public** quality of overview and scrutiny. Thus given the impact of criticism across all these authority functions, groups would see the value of restricting councillor communication in relation to O&S. The hypotheses are as such:

H₀: Groups would follow the guidance of the legislation and not cohibit communication in overview and scrutiny.

H₁: Groups would cohibit the level of member communication in overview and scrutiny – with the aim of protecting the party’s goals.

V6: Administration of castigative discipline

The variable associated with castigative discipline is an exception amongst the rest because the administration of punitive discipline for disregarding preclusory discipline is, and remains, relatively low in local government (as in central government) and its proclivity to measure *party modifications* may not be strong. However, as a method to silently threaten compliance amongst individual members, its presence as part of group rules and its use according to the discretion of the party as a method to stimulate unity, is important to the research.

Given that the party’s interests are best served when there is minimal deviance and the use of preclusory discipline is the route to ensure compliance, the only threat that can be given to councillors to guarantee that the preclusory discipline will be enforced is that of the threat of punishment. In all party rules, the detailing of how to use castigative discipline is left open to local party discretion, but the common theme to all three sets of guidance is that formal warnings, suspensions, candidate deselections and permanent expulsions can be brought on by a various levels of ‘disregard’ for the party (*see Chapter 4*).

Unlike references to preclusory discipline, there are no explicit exemptions from castigative discipline relating to councillor actions in overview and scrutiny.⁷ Whilst it is not the intention of the research to argue that castigative discipline would become more widespread, it is the argument of this research that in order to maintain the imposition of any preclusory discipline to maintain party goals (policy, office, votes), which this research argues would remain prevalent (*see V4*), the same level of threat of castigative discipline would be required to deliver a similar amount of compliance as that of the committee-system. In clearer terms, the weight of threat upon councillors subject to any preclusory discipline would need to remain the same, due to the equivalent *hierarchical* power of the party which is used to maintain cohesion.

H₀: Groups would not implicitly or explicitly threaten councillors with castigative discipline in relation to actions within overview and scrutiny.

H₁: Groups would implicitly or explicitly threaten councillors with castigative discipline in relation to actions within overview and scrutiny– with the aim of enforcing preclusory discipline and thus the party’s goals.

V7: Allocation of positions

In order to maintain party superiority in decision-making for the achievement of party goals in the new institutional environment, the allocation of positions would reflect the parties using the willingness of members ‘to be loyal’ for the position, in order to deliver the party’s ambitions. Whilst members typically need to be allocated to a committee, parties would utilise the right to nominate candidates for committees with an eye to who could be trusted to promote the group-agreed cause of the party on the topic, not speak against the party or avoid work programmes including controversial issues detrimental to the party. This strategy would

⁷ Logically, councillors would clearly take exception to (and probably appeal against) any castigative discipline administered without the prior use of preclusory discipline.

also be relevant to chair positions, vice-chair positions and even ordinary members of the committee, depending on the competitiveness of the authority. Rather than self-selection, party leaders would take a leading role in placing candidates in roles where the group would best reap the rewards of their work for the ‘public good.’ The only exception to these party strategies to maintain cohesion could be in respect to ‘*veteran mavericks*’ (Hagevi, 2000, p.257) or disruptive councillors to whom reverence might be paid from a majority of party members and thus may greater influence their appointment to O&S committees.

For majority groups, the easiest way to ensure group influence would be to ensure that all overview and scrutiny committee chairs were from the majority party, ensuring that the nominations are likely to follow the party line or making certain that any chairs which are granted to the opposition are either less important to council decision-making or more outward-facing. For opposition groups, the party could desire to allocate positions based on expertise to highlight administration ineptness, a willingness to push the views of the wider group or on the likelihood that they would not excessively criticise their own party:

H_{0A}: Majority groups would follow the guidance and allocate opposition members to chairs of O&S committees.

H_{1A}: Majority groups would disregard the guidance and allocate O&S chairs to the administration party.

H_{0B}: All groups would allocate committee positions based on expertise and interest to reflect the legislation’s intention for evidence-based deliberation.

H_{1B}: All groups would control the nomination process for O&S committees and allocate positions based on loyalty to the party cause or to satisfy disruptive elements to prevent deviance.

Chapter Three: Institutional Environment of the Blended Separation of Powers

This chapter of the thesis examines the type of separation of powers mandated upon local government and thus how the structure could influence the behaviour of actors operating within the environment. This chapter assesses the development of the separation of powers (in all its forms) as a theoretical construction up to its practical use within contemporary government structures, in order to establish whether its theoretical justifications have been maintained in practice.

From Hobbes' 'Diseased Beast' to Montesquieu's 'Check to Power'

'To what Disease in the Naturall Body of man, I may exactly compare this irregularity of a Common-wealth, I know not. But I have seen a man, that had another man growing out of his side, with a head, armes, breast, and stomach, of his own: If he had had another man growing out of his other side, the comparison might then have been exact.'

(Hobbes, 2002, p.228)

In the above quotation Hobbes' (1651) distaste for the division of government (*sovereignty*) went as far as comparing the constitutional structure of a separation of powers to a disease. Hobbes believed that there was only room for one sovereign power to guarantee security because to split power amongst others would, *'by opposing one another, divide that power, which [...] is indivisible; and thereby reduce the multitude into the condition of warre, contrary to the end for which all sovereignty is instituted'* (2002, p.130). Hobbes interprets the division of government into a tripartite structure (executive, legislative and judiciary) as a fundamental weakening of its force. His argument was that the divisions would intentionally

work against each other and thus not form an *absolute authority*, the absence of which was Hobbes' foremost concern. He argued that the separation of powers would not lead to '*one independent Commonwealth, but three independent factions; nor one representative person, but three*' (2002, p.228), and the powers divided would '*mutually destroy each other*' (2002, p.225). With a clear separation of powers, there would be no '*one*' authority and thus this would create uncertainty. In part motivated by the scriptures which validated his theory, the account sought to advocate preserving the sovereign as one body which, alone, was capable of acting in the common interest and providing a unitary, direct voice to a people.

Locke's *First Treatise* (1689) believed that the Hobbesian interpretation of the scriptures for the defence of absolute monarchical power was wrong. For example, Locke takes the example of the Genesis account of Adam, where previous translations of Hebrew had taken God's gift of giving Adam the '*dominion over every living thing that moveth on earth*' (Locke, 2003, p. 161) to mean that Adam was the absolute '*monarch of the whole world*' (2003, p.157). Locke argued that this reasoning for an absolute monarchical arrangement was entirely fallacious because if it were to be the case, then God had given Adam such powers that '*Princes might eat their subjects too*' (2003, p.160). Instead, Locke contended that God had given the dominion to all people; '*...the dominion of the whole Species of Mankind, over the inferior Species of Creatures*' (2003, p.161) because God had given dominion whilst '*[speaking] in the plural*' (2003, p.161) and hence the dominion that God had given was '*not a Private dominion [for Adam], but a Dominion in common with the rest of mankind*' (2003, p.161).

In Locke's *Second Treatise* (1689), he argued, in direct opposition to Hobbes, that an absolute authority could have no place in civil society, because '*wherever there are any number of men, however associated, that have no such decisive power to appeal to* [a legislature or judiciary],

there they are still in the state of Nature' (2003, p.325). This important right to appeal '*upon any injury received, or Controversie that may arise*' (2003, p.325) was key to Locke's argument for a separation of powers. To prevent men in the state of nature becoming a '*slave of an absolute prince*' (2003, p. 327) it was necessary to have in place an '*establish'd, settled, known Law [...] a known and indifferent Judge [...] and Power to back and support the Sentence when right, and to give it due execution*' (2003, p.351). These three powers described by Locke, as an alternative to an absolute power, came relatively close to a contemporary understanding of a clearly delineated separation of powers. There was also well-defined reasoning why such a separation of powers was needed in a state, based on similar assumptions to Hobbes about the **imperfect nature of human behaviour**, both within and without a state. However, Locke believed that those who were employed to legislate could not also be the ones to execute the laws:

'...because it may be too great a temptation to human frailty, apt to grasp at power, for the same persons who have the power of making laws, to have also in their hands the power to execute them, whereby they may exempt themselves from obedience to the laws they make, and suit the law, both in its making and execution, to their own private advantage.'

(Locke, 2003, p.364)

Locke was also the first to bring up the concept of the separation of powers with the notion of accountability and the need for any form of executive power '*placed anywhere but in a person that also has a share in the legislative, [being] visibly subordinate and accountable to it*' (2003, p.368). Locke believed that legislative power was the '*one supreme power*' (2003, p.366) because not only the legitimacy of it, but also its authority was in the hands of the

people who could ‘*remove or alter the legislative, when they found that the legislative [had] acted contrary to the trust reposed in them*’ (2003, p.367). According to Locke, the critical importance of the legislative branch was the perpetual need to moderate the usage of power by the executive branch:

‘When the legislative hath put the execution of the laws, they make, into other hands, they have a power still to resume it out of those hands, when they find cause, and to punish for any mall-administration against the laws.’

(Locke, 2003, p.369)

The fundamental justification for Locke’s separation of powers was that mankind was naturally imperfect and the human condition was such that it was impossible to prevent a person from acting in their own private interests given the opportunity to do so. Any collection of authority in one executive was thus liable to lead to an exploitation of said power.

Similarly in *De l'esprit des lois* (1748), Montesquieu argued that supposed familial traditions established by nature were not necessarily to be replicated with unitary sovereigns:

‘Some think that nature, having established paternal authority, the most natural government was that of a single person. But the example of paternal authority proves nothing. For if the power of a father relates to a single government, that of brothers after the death of a father, and that of cousin-germans after the decease of brothers, refer to a government of many. The political power necessarily comprehends the union of several families.’

(Montesquieu, 1902, p.6)

Hence Montesquieu's vision of successful governance was one that encompassed a wide range of different 'families' of actors. Relating to this, Montesquieu expounded the most thorough and recognisable version of the thesis of separation of the powers in government. Following the judgments of Locke, Montesquieu believed that '*constant experience* [has shown that] *every man invested with power is apt to abuse it, and to carry his authority as far as it will go*' (1902, p.161), hence there was an continuous need to moderate the usage of power: '*to prevent [...] abuse, it is necessary from the very nature of things that power should be a check to power*' (1902, p.161). The solution from Montesquieu was a separation of powers into '*the legislative; the executive in regard to matters that depend on the law of nations; and the executive in regard to matters that depend on the civil law*' (1748, p.162). Any other combination of these roles, such as combining the powers of the legislative and executive, could result in '*arbitrary control*' (1902, p.163) and '*violence and oppression*' (1902, p.163). The fundamental thesis of Montesquieu was that '*when the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty*' (1902, p.163).

Montesquieu furthered the thesis of separation of powers with detailed requisites that would enable the perpetuation of successful governments; such as the need for the legislative body to always be assembled, the executive retaining some control over the length of legislative assemblies and the need for forbidding the legislative power to arbitrarily indict the executive power (1902, p168-170). Pangle (1973) stated that although Montesquieu's thesis of '*preventing oppression in a republic by balancing selfish competitive factions*' (1973, p.117) was not new, it was unquestionably an innovative way to provide a '*guarantee for personal security and the rule of the law*' (1973, p.117.)

These three political philosophers were united on the imperfect human condition but differed on whether such innate qualities required regulation with forms of checks and balances to counter these faults in humankind. As such, Locke and Montesquieu maintained that there should be a formal separation in such a way to temper the control of an unlimited executive, because the consequence of the alternative was abuse. The core recommendation of both was that of a clearly delineated separation of powers. Hobbes, however, advocated a unitary power based on the need for an authority which could be unimpeded, efficient and not countered for the benefit of decisive power, which was the surest way to safeguard the citizenry against indecision. The fundamental problem was that absolute power would be granted to a singular body, whose interests could differ from those it was intended to protect.

The Madisonian Conception of the Separation of Powers

Following Montesquieu's formal definitions of the separation of powers, James Madison in the *Federalist Papers* (1788) explored Montesquieu's vision of a separation of powers in relation to a defence of the newly created U.S constitution. Madison believed that the British constitution,¹ to which Montesquieu had referred, represented a situation where the legislative, executive and judiciary arms of government undoubtedly overlapped (Madison et al., 2003, p.235), which went against Montesquieu's own statement that when '*powers are united in the same person [...] there can be no liberty*' (2003, p.163). For example, Madison cited that in Britain the executive was a component of the legislative arm, the judiciary was appointed by the executive and the legislature had singular power over impeachment (2003, p.235). Hence Madison tried to reiterate the Montesquieuan thesis of a true separation of powers by stating that Montesquieu did not actually mean that the three arms '*ought not to have no partial*

¹ Madison uses the term '*British constitution*' unlike Montesquieu's reference to the '*English constitution*'

agency in, or no controul over the acts of each other' (2003, p.236), but instead they should not *'possess the whole power of another department'* (2003, p.236).

The possibility of a tyrannical majority without a separation of powers was a major feature of Madison's argument for its inclusion in the constitution. Madison highlighted many case studies of individual states, which although they had stated that a definite Montesquieuan separation of powers was essential, had all *'blended the different powers of government'* (2003, p.238) in different ways. For example, the constitution of Massachusetts allowed the executive to have a veto on the legislature and the Senate was able to impeach those of the executive and the judiciary (2003, p.237). Madison referred to this typical **'blending of powers'** occurring not only in Massachusetts, but in New York and many others. Madison identified the problem in the majority of states:

'The fundamental principle under consideration has been violated by too great a mixture, and even an actual consolidation of the different powers; and that in no instance has a competent provision been made for maintaining in practice the separation delineated on paper.'

(Madison, 2003, p.240)

Because of this seemingly pestilential problem of power consolidation in most states, which had inexorably led to the alienation of Montesquieuan liberty, Madison believed that the *'powers properly belonging to one of the departments, ought not to be directly and compleatly administered by either of the other departments'* (2003, p.240) nor should either of the powers *'possess directly or indirectly, an overruling influence over the others in the administration of their respective powers'* (2003, p.241). Madison considered that because of

the *'encroaching nature'* (2003, p.241) of power and the likelihood of intentional overlaps it was necessary to *'provide some practical security for each against the invasion of others'* (2003, p.241). According to Madison one of the main problems was that within a separation of powers the legislative branch often dominated as it was *'less susceptible [to] precise limits'* (2003, p.242) and it *'alone has access to the pockets of the people, and has in some Constitutions full discretion, and in all, a prevailing influence over the pecuniary rewards of those who fill the other departments'* (2003, p.242). Madison went on to cite and agree with Thomas Jefferson's belief that the legislative power had often become an *'elective despotism [and] the judiciary and executive members were left dependent on the legislative for their subsistence in office, and for some of them for their continuance in it'* (Madison, 2003, p.243 citing Jefferson, 1781, p.326). Due to this difficulty, Madison believed that the members of each branch; *'...should have as little agency as possible in the appointment of the members of the others [...] and all appointments for the supreme executive, legislative, and judiciary magistracies, should be drawn from the same fountain of authority; the people'* (Madison, 2003, p.251-2). The most important safeguard according to Madison consisted of the following:

*'...giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. **Ambition must be made to counteract ambition.**'*

(Madison, 2003, p.252)

Madison was somewhat dissatisfied with his enantiopathic conclusion about human nature but conceded that *'experience [had] taught mankind the necessity of auxiliary precautions'* (2003,

p.252) in relation to the application of power and *'if angels were to govern men, neither external nor internal controuls on government would be necessary'* (2003, p.252). However Madison acknowledged that the provision of the necessary defences against human nature, *ergo*, encroachments on power, was an inexact science and it was clearly not possible to *'give to each department an equal power of self defence'* (2003, p.253). For example, referring back to his assertion that the legislative branch would be the most powerful, Madison recommended that it should be divided into different parts *'as little connected with each other, as the nature of their common functions, and their common dependence on the society, will admit'* (2003, p.253). Madison also argued that the executive would need to be strengthened to counteract the force of the legislative and hence could require an executive veto over decisions made by the legislature (2003, p.253). The central thesis was that it was necessary to *'[contrive] the interior structure of the government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places'* (2003, p.251).

Given Madison's concern with pragmatism in ensuring no agency could overpower any other *'this approach meant dropping a fetishistic concern with delineating precise boundaries and concentrating on the realities of power politics'* (Bellamy 1996, p.449) with the suggestion of actual checks and balances such as vetoes and blocks. As Bellamy (1996) posited *'Madison's brilliant solution was to harness factional conflict in a Machiavellian manner so that the different groupings checked and balanced each other and were forced to cooperate in promoting justice and the general good'* (Bellamy 1996, p.450). Whilst this necessitated a view of human nature similar to that of Machiavelli: *'individual virtue is a weak reed, not to be relied upon for very long, if at all'* (Ball 2008, p.xvii) it was, at the least, well-founded on empirical evidence from the individual states.

An alternative interpretation of Madison was that his concern for preventing factional dominance (factional conflict as remedy) was a '*masterly statement of the theory of economic determinism*' (Beard 1913 (2004), p.15) because '*the most common and durable source of factions has been the [...] unequal distribution of property*' (2004, p.15). Thus Madison's defence of a separation of powers effectively facilitated the oppression of those without capital and ensured that the '*deck was constitutionally stacked against the working class [because] a politically unified and united working class was constitutionally precluded*' (Ball 2008, p.xx). Ball (2008, p.xx) cites contemporary rational-choice scholars as the adherents to this type of view (such as McGuire 2003). Regardless of the intentions of Madison's thesis, as one of the founding fathers and framers of the U.S. constitution, with the *Federalist Papers* serving to promote the prospects of ratification, Madison had a profound contribution to the contemporary separation of powers in the U.S. The extent to which the ratified constitution protected against such factions or the tyranny of a majority has been a topic for debate.

In what had been described as legitimated chaos by British scholars: '*They obey nobody. They are responsible to nobody [...] Such a system seems a negation of a system and more akin to chaos*' (Bryce 1909, p.530), there had, in fact, been the development of a party system to counter the prevention of factions, soon after the constitution's introduction:

'A party system [could] overcome the separation of powers by bringing together under informal arrangements what the founders were at pains to divide by formal ones.'

(Wilson 1986, p.18)

At the start of the 20th century, party voting in the legislature was commonplace, with '*90 percent of the Democrats voting against 90 percent of the Republicans [and] nearly 80*

percent of votes [with] at least half of the Democrats opposing at least half of the Republicans' (Wilson 1986, p.19). Despite the cohesion in party voting at various times in U.S. history, it has not always been stable and the test of 'party government' would be '*whether [...] party voting was strong [enough] that it enabled the president to get his way in Congress by virtue of party discipline'* (Wilson 1986, p.26). Clearly with no ability for mandating cohesion, through virtue of an inability to remove those opposing mandation, the executive branch in the U.S. is constantly bound to maintaining a congenial relationship with their party in Congress, more often than not, with the party leadership: '*a strong party leadership in a legislature [...] makes it easier for an elected executive to do business with lawmakers'* (Wilson 1986, p.29). Thus party government can exist, but only in serendipitous circumstances; a strong party leader in the legislature with an ability to corral cohesion along with an amiable relationship with an executive, however only at times when the executive is of the same party of the majority in Congress. Whilst Pelosi (D) and Obama (D) recently worked together to deliver a possible-conception of 'party' government (2008-2010), the mid-term elections in 2010 resulting in a Republican Congress effectively made any form of cohesive 'party' government an impossibility.

The Bagehotian Perspective on the Separation of Powers

In *The English Constitution* (1867), Bagehot criticised the very essence of the separation of powers evident in the U.S presidential system. Bagehot believed that the nature of independence between the executive and legislature, both being elected independently by the electorate and wholly detached from each other, invariably created deadlock. For example, Bagehot believed that the legislature and executive would inevitably clash because '*if the persons who have to do the work are not the same as those who have to make the laws, there will be a controversy between two sets of persons'* (Bagehot, 2001, p.12). According to

Bagehot, the continuing operation of government would be extremely difficult because the two bodies are *'sure to quarrel, and the result is sure to satisfy no-one, [...] the legislature cannot be dissolved by the executive government'* (2001, p.13) and an executive using a threat of resignation (similar to UK) to *'compel legislation'* (2001, p.13) would be impossible. Bagehot believed that the only route to avoid this impasse would be mutual co-operation and persuasion, but he understood that this would often be extremely difficult. Bagehot used an example of the process of setting taxes and the communication between the two powers:

'And when the taxes do not yield as they were expected to yield, who is responsible? Very likely the secretary of the treasury could not persuade the chairman – very likely the chairman [in a legislative committee] could not persuade his committee – very likely the committee could not persuade the assembly. Whom, then, can you punish – whom can you abolish when the taxes run short?'

(Bagehot, 2001, p.13)

Bagehot summarises that *'when a difference of opinion arises, the legislature is forced to fight the executive, and the executive is forced to fight the legislative; and so very likely they contend to the conclusion of their respective terms'* (2001, p.14). These immovable forces are then pitted against one another, often creating a stalemate of relatively equally matched powers. The motivation for members of the legislature to become obstructive was clear to Bagehot:

'The natural tendency for members of every legislature is to make themselves conspicuous. They wish to gratify an ambition laudable or blamable; they wish to

promote the measures they think best for the public welfare; they wish to make their will felt in great affairs. All these mixed motives urge them to oppose the executive.'

(Bagehot, 2001, p.16)

The desire for obstructionism in members of the U.S legislature was clearly at odds with their impotence in directing any type of executive change, as any debates within the assemblies were '*prologues without a play*' (2001, p.15). In sharp contrast, Bagehot praised the British system, whereby the legislative body was a constant force; '*it watches, legislates, seats and unseats ministries, from day to day. Accordingly, it is a real electoral body*' (2001, p.17). Bagehot eulogised on the value of debates in the legislature, which had to the power to raise important issues to government and potentially overthrow ministries; '*The deciding catastrophes of cabinet governments are critical divisions preceded by fine discussions. Everything which is worth saying, everything which ought to be said, most certainly will be said*' (2001, p.14).

Another problem with the clearly delineated separation of powers in the U.S was that the division of sovereign power led to a situation where decisions were often made by up to three bodies and could be impossible to implement; '*the President can veto laws he does not like. But when two thirds of both houses are unanimous [...] they can overrule the President*' (2001, p.151). As Hobbes, Bagehot argued that deadlock would result when contradictory decisions could result in **no** decision; '*...the President wants one course, and has the power to prevent any other; the Congress wants another course, and has power to prevent any other. The splitting of sovereignty into many parts amount to there being no sovereign.*' (Bagehot, 2001, p.153-4).

Bagehot contended that the English system, with the executive **being from and controlled by** the houses of the legislature, had an advantage over the U.S system in that no matter what issue was under contention, it could always be '*finally resolved*' (2001, p.154). The House of Commons also had an advantage in that it could almost a guarantee that '*its decrees [would] be executed, for it, and it alone, appointed the executive; it [could] inflict the most severe of all penalties on neglect, for it [could] remove the executive*' (2001, p.154).

Unlike Bagehot, John Stuart Mill (1859) was wary of the strength of the popular assembly and warned against the unilateral control of government functions by an inexperienced body. Mill argued that one of the key roles that the representative body should fulfil is that of deliberation; '*when it is necessary, or important to secure hearing and consideration to many conflicting opinions, a deliberative body is indispensable*' (1998, p.272). Mill compared members of a representative body in a Parliament to board members of a company, where the non-executives possessed power deriving from the continuous monitoring of the actions of a managing director and '*restraining or removing him in cases of misconduct*' (1998, p.273). Mill argued that the separation of powers from an administration and others, overseeing and steering an administration, was essential because '*as a rule, [administration] is better conducted under the responsibility of one*' (1998, p.272) subject to the advisory direction and control from the representative legislature. The rationale behind this was down to the specialist nature of executive functions and the notion that the assembly should allow members with specific expert skills to conduct these specialised functions. Mill considered that it was essential that a representative body understood its limitations and instead of attempting to '*direct an army's movements and fight in the ranks*' (1998, p.271) the body should accept that if everyone made decisions there would be '*inexperience sitting in judgement on experience and ignorance on knowledge*' (1998, p.274). According to Mill,

although the actual functions of a representative body could vary widely, the minimum requirement should be that the *'[executive's] functions are such, as to secure to the representative body the control of everything in the last resort'* (1998, p.271), thus those who made the decisions would always be accountable for their actions.

The Theory of the Party and the Parliamentary 'Blended' Separation of Powers

Although the party may be dominant in the Westminster system as a result of the blended separation of powers, the electoral system allows a populace to give a mandate for that party to follow a specific course of action; usually presented in a pre-election manifesto of commitments. Hofferbert and Budge define a mandate in terms of a manifesto presented to an electorate which is then judged by the populace and thus the winning party has *'acquired a moral right and responsibility to put its programmes into effect'* (1992, p. 152). Voters who dislike the way that the party has conducted itself and its task of delivering the programme will then have an opportunity to remove the administration at a subsequent election.

What makes the party in presidential systems weak in contrast to the parliamentary system is that politicians have less of an incentive to contribute to the public good such as the reputation of the party. Conversely the parliamentary system encourages politicians to act in a way compatible with maintaining the collective benefits. For example, Cox and McCubbins (1993) note that individual legislators who seek re-election might be tempted to *'overproduce particularistic benefits [...] and under produce collective benefits [...] in an electorally inefficient fashion'* (1993, p.125). As Bagehot claimed, congressional politics can appear to be a *'prologues without a play'* (2001, p.15) because the separation of electoral origin gives each branch of government a freedom of action that is quite absent in parliamentary governments. Whilst individual MPs in the parliamentary system are free, to some extent, their ambitions to

impact policy, stay in office, achieve promotion to ministerial roles or make a difference in their constituency fundamentally requires them to toe a party line. In demanding this obedience, the leadership of the parliamentary party then ensures that all members contribute to the collective public good of the party's brand while the members are secure in the knowledge that their position and ambition may not be threatened. Whilst conceptually this is in reference to parties in government it also applies to parties in opposition whose 'public good' of the party's reputation is equally as valuable to their electoral strategy.

The arrangements of the parliamentary parties as organisations are well suited to deal with the inevitable predicaments of whether individual MPs should '*pursue their individual interests, or devote resources to the maintenance of the party's provision of public goods*' (Samuels & Shugart, 2006, p.13). For example a party can not only expect loyalty to the organisation as part of an individual MPs understanding of the lack of a separation of origin in elections but a party leadership can also discipline its members to ensure compliance and maintain the party reputation and brand. Whilst often used solely as a last resort against members who appear to casually dismiss the benefits of party membership that are given to them, discipline is the cornerstone of organised parliamentary parties and its overwhelming presence (as *Sword of Damacles* or otherwise) is one of the clearest and most important differences from presidential separations of powers.

Parliamentary parties often help their cause by creating arrangements which prevent public '*deviant behaviour*' (Damgaard, 1995, p.312). For example, party leaderships select their own ministers based on a range of factors but invariably members could be mostly chosen on the basis of whomever could be trusted to speak in line with broader party commitments. Elsewhere, across European parliamentary systems, the party typically always has a say in the

nomination and appointment of chairs of parliamentary committees; whose fundamental role is to *oversee* and *scrutinise* the actions and strategies of an administration. For example, Damgaard (1995, p.313) reports that in nearly all parliamentary systems, parties effectively allocate committee members regardless of whether this is done by direct authority, special committees of selection or wider Parliament itself, which inevitably is stacked in favour of a governing party.

Arguably the most important tool of the party to compel obedience is the presence of various types of ‘whipping,’ where members are essentially mandated to follow a particular course of action; usually in terms of voting for or against raised policies but also used to control the mention of certain topics in a public arena. Parties tend to allocate a chief whip who then has the responsibility to ensure that members are sufficiently aware of the consequences should they not act in line with the party. Ultimately, though details of individual party whipping procedures are typically secret, it is often accepted that the threat of the whip on a vote is more than adequate for a reasonably popular executive to be able to herd their parliamentary members through division lobbies. However, rebellions of parliamentary parties against governments undeniably take place, and in some quarters, could be seen to be increasing in frequency. As Cowley and Stuart (2003) attest:

‘The average revolt under Blair was larger than that by government MPs in any post-war Conservative government. [...] Around half the back-benchers [...] had shown themselves willing (when necessary) to break ranks and vote against the government.’

(Cowley and Stuart 2003a, p.329)

More subtle than this were the rebellions of the Conservative parliamentary party (CPP), when Cowley and Norton (1999) discovered that despite the Labour party of the 1970s being '*far more rebellious than Major's parliamentary party*' (1999, p.101), the format of rebellion of the CPP was more subtle and involved disloyalty in public rather than going against the whip on votes:

'[Rebellion] was manifesting itself more in the form of conversations with journalists or appearances in the media rather than in the division lobbies of the [...] Commons. The expansion of political coverage has made such dissent more visible than in the past.'

(Cowley & Norton 1999, p.102)

Whilst there is no sustained evidence built up to indicate an *increasing tendency* for MPs in parliamentary systems to rebel against whipping and cohesion in more visible ways, the evidence clearly points to rebellions being accepted, on occasions, as part and parcel of parliamentary systems, where principals disagree with their agent(s).

Parliamentary Select Committees at Westminster

Given the weight that parties have in parliamentary systems and the increased likelihood of individual MPs acting in the interest of collective benefit rather than for any particularistic benefits, it is quite unusual that structures within Parliament at Westminster have placed an emphasis on consensual cross-party scrutiny of government. For example, the separation of powers in the United Kingdom provides a tangible Millian conception of the thesis, where the legislative body takes a deliberative role in policy and provides guidance, advice and strategic steering to the executive but also, through the House of Commons, has the control of

everything in the last resort. Formal scrutiny of the executive by non-executives can be divided into distinct activities in the House of Commons: debates in the house with ministers, official verbal or written questions to ministers, the Public Accounts Committee, departmental select committees / topic-based select committees, legislative scrutiny in Public Bill committees and informal contacts with ministers (such as letters, emails or meetings). Each of these modes of Parliamentary scrutiny may exert different types of pressure on government ministers but each ensures that ministers are nominally held to account by Parliament.

One of the most remarkable forms of perscrutation² at Westminster, primarily due to the theoretical need for parties to act '*as unitary actors within and outside of the committee rooms*' (Damgaard, 1995, p.310), involves cross-party working, evidence-taking and deliberation in departmental and topic-based select committees. Local authority overview and scrutiny committees in the documents preceding the Local Government Act 2000 were explicitly linked to the House of Commons select committees and a substantial number of local authorities have viewed select committees as a synonymous model of an expiscatory³ committee system. Subsequent guidance has used the format of select committees as a model of aspiration.

Cross-party select committees are unique in that their success relies on consensus amongst all political parties contributing. When representative of major parties in the Commons, select committees exert the type of scrutiny that should impact on government decision-making or hold the government to account. The inherent difficulty of effective scrutiny in select committees, however, is the ability of members of different political parties to work across

² Here meaning '*thorough inquiry or investigation; careful scrutiny or examination*' (OED 2010)

³ Here meaning a committee '*tending to 'fish out*' (OED 2010) through investigation.

divides and act together for a common aim. As a result of the competing pressures of party and consensual examination, select committee investigations have often been reported to have been *'anodyne [...] and "consensus was often at the high price of excessive blandness and marginality as committees cast around for subjects that will not be too divisive"'* (Drewry cited by Adonis, 1993, p.168).

Against the conflicts visible in the operation of backbench cross-party working, the recent growth in the prominence of parliamentary committees has *'occurred not only in some parliaments, but appears to be a global phenomenon'* (Longley & Davidson 1998, p.2)

Longley & Davidson (1998) argue that

'...assertive committees in parliamentary systems potentially threaten the primacy of governments, executives and not least, legislative and partisan leaders in the chamber [and] active parliamentary committees fit well into 'separation of powers systems'
(Longley & Davidson, 1998, p.2)

This confrontation is due to the implication that if a cross-party committee tackles an issue and subsequently agrees on a position, the fact that non-executive majority party members sit within that committee (and in proportionately balanced systems dominate said committee) and oppose an executive along with opposition members, the executive could be seen to have lost wider confidence on the issue. Whilst this should be the case in some easily fractured legislatures across Western Europe where parliamentary systems are clustered, in the United Kingdom the relative anodyne investigations combined with the relative anonymity of the select committee process amongst the general populace has often meant that committees rarely confronted the government with any genuine threat.

Particularly in the UK, Weir and Beetham argue that MPs on select committees are '*inevitably selective about the issues they [chose] to examine*' (1999, p.407). Polidano argued that committee investigations at Westminster are '*marked more often than not by superficiality and partisanship*' (2001, p.253) along with Weir and Beetham (1999) who noted that MPs questions are '*too often self-serving in purpose and amateur in method*' (1999, p.409) Polidano used an example of the 1998 Foreign Affairs select committee inquiry into the Sandline Affair where the members of the committee were so persistent in questioning a senior civil servant over issues that were being covered by an independent inquiry that the '*committee's dispassionate quest for 'facts, not hearsay' had degenerated into an adversarial fishing expedition*' (2001, p. 258) with each side pursuing questioning that would benefit themselves, or indeed **their party**, the most. For the administration members of the committee, it was the need to show that '*the mistakes which [were] being laid at the door of the ministers were the fault of officials*' (2001, p.259) whereas the opposition members were looking to '*trip up officials into admitting ministerial culpability*' (2001, p.259). Polidano argues that in this particular incident, the '*supposedly bipartisan committee were asking naked political questions to a permanent official with the aim of making him a pawn in the political game*' (2001, p.261). Acknowledged by Polidano, the media profile of the case had intensified the '*strong currents and counter-currents of party competition*' (2001, 263) in the committee, which may have encouraged individual MPs to first and foremost contribute to the collective public good of the party's reputation rather than focus on any particularistic gains which might have been afforded from real bipartisan scrutiny of the officials. If MPs act rationally, given a subscription to the view that politicians may have individual goals such as re-election or promotion within the party (for higher office or policy payoffs), then Damgaard summarises that '*they will probably be aware of their party as an important constraint on the nature and degree of permissible self-interested behaviour*' (1995, p.321).

Jogerst (1991) argued against the partisanship criticism pointed at the select committee model and posited that the party loyalty of administration group backbenchers displayed in the Commons and elsewhere would not get in the way of criticising party leaders and their policies in select committees (1991, p.21). It was argued that backbenchers, in all work at Westminster, *'proved willing to vote against their own side on more occasions in greater numbers and with more effect than has been the case'* (1991, p.34). Jogerst argued, based on a study of panels of MPs, that this was because attaining an executive office role was increasingly not now *'considered the primary goal or duty of many Members of Parliament'* (1991, p.35). Combined with being able to specialise in various topics and hence *'removing them, to a degree, from the dictates of party leaders'* (1991, p.35) select committee members were guaranteed a *'more active and rewarding participation in the governing process than would be possible through years of service as mere loyal party men and women'* (1991, p.35-36).

Jogerst's argument appears quite reasonable given Members of Parliament such as the late Gwyneth Dunwoody, chairperson of the Transport Select Committee, who survived a party coup, which arose as a result of her reputation as an MP who was willing to interrogate her own party's ministers and their policies in public. However, whilst Dunwoody fitted Jogerst's model of member independence, the very essence of what was being discussed was of principal importance. For example, Damgaard states that if a member of Parliament does deviate from an agreed party line, it is only a serious internal party problem *'provided the matter is of some importance'* (1995, p.317). If a member deviates on a minor policy matter in

a public, yet an unlit, relatively pedaneous⁴ arena, then it is unlikely that the party's public reputation ('public good') would be affronted by this and thus discipline for the member in question is unlikely to be required. In Dunwoody's case, whilst it was clear that there was a certain amount of deviation from the party line, if one looks at a sample of two investigations; one on the airport-operator BAA and one on concessionary travel, there are clear differences where the public are more heavily involved through the media. As such the BAA committee divided on party lines with over twenty four votes divided between Labour (supporting the government) and Conservative (opposing the government) members (House of Commons Transport Committee, 2008a, p.32) whilst the investigation on public transport was unanimously critical of government in over one hundred recommendations (House of Commons Transport Committee, 2008b, p.34). Whilst it is a mistake to oversimplify these two investigations as representative of work by every committee, it is clear from work conducted by Polidano and others that the media consciousness of investigations is, in some way, positively correlated with high degrees of party loyalty.

Whilst this is not surprising given the need to protect the party's image when the media spotlight shines, to make Jogerst's case that the supposed increase in member tergiversation and '*[voting] against their own side on more occasions*' (1991, p.34) was symptomatic of a wider movement towards individual members not wanting to attain executive office and this was not now considered their '*primary goal*' (1991, p.35) would be fairly myopic and could only apply to a few members. Yet conversely it is also difficult to prove that members do aspire to promotion, executive office or advancement rather than the more simple explanation of loyalty maintained through shared political beliefs. However as Damgaard attests;

⁴ Here meaning '*petty, unimportant*' (OED 2010) arena.

*‘[Parliamentary] party groups play very important roles everywhere. That is not to say that committee members are puppet-like party delegates. But rather that their behaviour is **definitely constrained by their parties.**’*

(Damgaard, 1995, p.321)

Despite support that members of select committees are, at the least, likely to be constrained at Westminster, the evidence is relatively limited due to little wider research about the operation of select committees and an absence of a reliable measure of testing partisanship or member constriction. Most studies that have focused on the successes of select committees have focused on the impact of a committee and whether it has been successful in terms of changing government action through recommendations. Russell & Benton (2009) disentangle this approach by questioning how to best measure policy impact, for example, examining select committee impact through the tool of the ‘implementation of recommendations’ is fraught with difficulties:

‘Impact may be exaggerated if the committee is echoing recommendations already being floated by other interest groups [...] committees [may] tailor their recommendations to be more readily acceptable. [...] A focus on recommendations may underestimate the degree of impact if the existence of an inquiry leads to a change in government policy before the committee reports [or] the ‘delayed drop effect’ comes into play – where proposals hard to swallow in a particular political climate are revived in later years or by new governments.’

(Russell & Benton 2009, p.11-12)

However despite the pitfalls, there have been successful attempts at a holistic understanding of the contributions of select committees. For example Hindmoor, Larkin & Kennon (2009) conducted research showing the positive impact of the Education Select Committee with a new approach to assessing the capability of select committees which incorporated measuring impact in a more subtle way: *'influence [...] was measured on the basis of parliamentary time devoted to the discussion of committee reports [...] interventions in debates, and influence on the media'* (Russell & Benton 2009, p.13) whilst also examining government action over a substantial portion of time (1997-2005). In their empirical work, it was discovered that from 93 (education-related) policy proposals put forward by government, *'on twenty occasions these policy measures were judged to be identical with or showing significant similarities to earlier committee recommendations'* (Hindmoor & Larkin 2010, p.3).

In terms of assessing party group involvement in select committees, there have been even fewer studies which deal solely with the partisanship criticism often levelled. However, recent research from Hindmoor & Larkin (2010) took a more subtle approach in assessing how controlling parties were in the nominations process for committees. It was discovered that there was scant evidence (*apart from examples in next section*) to suggest that rebellious MPs were excluded from the function: *'[there is] little evidence that dissident MPs are either systematically excluded from select committees, or, if appointed, subsequently removed from them'* (Hindmoor & Larkin 2010, p.10). However, their conclusion was that select committees were not important enough to sufficiently worry the parties to want to control the minutiae of preventing nominations of the most troublesome MPs (2010, p.10). For example, serious rebels in select committees were not that much of a problem for parties who didn't consider the work of the committees very important. However, the exception to which parties **would** concern themselves with might be the chairs of the committees.

'Principals' turning against the 'Agents?': Robin Cook and Dr Tony Wright

There have been two recent attempts to change the select committee procedures of the House of Commons, including from the late Robin Cook and the influential former Public Administration Select Committee chair Dr Tony Wright, demonstrating, to various extents, how powerful the 'principal' could be against the 'agent' within the blended separation of powers. The first example was when Robin Cook, former Leader of the Commons, supported a modernisation programme for the select committees after a failed government coup to oust noted '*veteran maverick*' (Jensen, 2000) chairs of committees; Gwyneth Dunwoody and Donald Anderson. The proposals intended to depoliticise the function by neutralising objections against careerist concerns and possible allocations-by-loyalty:

'...introducing payment for their chairs in order to make backbench careers an attractive alternative to entering government [and] proposing the [establishment] of an independent selection panel to choose committee members. This was designed to shift the power to decide which MPs are to sit on select committees away from the whips (in effect, from the government) to an all-party committee.'

(Cowley & Stuart, 2003b, p.198)

Cook believed that by trying to remove Gwyneth and Donald, it gave the '*impression that the government was manipulating committee memberships*' (Power, 2007, p.497). Inevitably the plans were defeated in a vote '*amid suggestions that government whips had actively organised against the Leader of the House*' (Power, 2007, p.498) which turned out to be true to some extent: '*the whipping that did take place was ad hoc and informal or "freelance activity" as one member of the whips' office put it*' (Power, 2007, p.299). Unavoidably, this incident provided evidence that the party group and its machinists took action over the

possibility of losing control of the deliberative function, automatically indicating that there was something to be gained by retaining the command of the function. Dr Tony Wright succinctly summed up the problem;

‘[Robin Cook] provided MPs with an opportunity to decide on a free vote whether they wanted the composition and chairs of select committees chosen by the whips... or by themselves, they voted for the former option.’

(Tony Wright MP cited by Power, 2007, p.498)

It wasn't until much later in 2009 when the Telegraph newspaper published a series of claims about the expenses of MPs that a committee was formed relating to *‘Rebuilding the House’* in July 2009: *‘Without the shock of recent events, it is unlikely that this Committee would have been established’* (House of Commons, 2009, p.7). Despite the accepted ‘external shock’ genesis of the committee, the recommendations relating to breaking the party group role over the select committees were broad in scope and aimed to bring the control of the function back to the House of Commons: *‘It should be for the House and not for the Executive to choose which of its Members should scrutinise the Executive’* (House of Commons, 2009, p.28). As such there were a range of recommendations such as the secret ballot of members for the chairpersonships of the committees, a change in the method of allocating which party received which committee chair and support for a democratic method for groups to select members for each committee. After a House vote before the election showing support for the plans, the incoming Conservative and Liberal Democrat government accepted the recommendations as part of the coalition agreement. In respect to the implementation of the recommendations, the early reports cite the possibility of more independence but with the retention of concerns that majority party members, even though elected rather than whip-

appointed, might still be reluctant to express dissatisfaction with government policy. In correspondence with Lisa Nandy MP, a member of the Education Select Committee, the new arrangements were demonstrating at least some reduction in party group alignment:

'I think the chair being elected by both sides of the House has probably produced more independent-minded people. Graham Stuart who chairs the Education Committee is relatively loyal to Cameron but is fair and will make sure all members get a fair hearing regardless of our views. Elections of members have been interesting [...] we have people like John Cryer on Treasury (smart, knowledgeable and popular but unlikely to be a favourite with the whips) [...] I would say generally Tory members are more cautious when questioning ministers than we are but that may change since we're all relatively new.'

Correspondence with Lisa Nandy MP, Member of Education Select Committee

Parliaments beyond Westminster: The Nordic Experience

Whilst Westminster is a useful example in this research to explore the operation of groups in a particular institutional environment, most European countries operate parliamentary systems of government. Despite the presence of closed-list proportional representation in some of the Nordic parliaments, these systems provide extreme examples of the behaviour encouraged by the blended separation of powers. As Ergun Ozbudun (1970) highlighted in his seminal study on party cohesion;

'A legislator who has contributed to the fall of his party's government also loses his share in the obvious benefits of executive power for his party. [...] His own electoral fortunes would be likely to suffer with his party's if the party shows itself so uncohesive as to fail to maintain its leadership in office.'

(Ozbudun, 1970, p.356)

Beyond the United Kingdom, nowhere is this statement truer than in these Nordic parliamentary systems where the electoral environment of proportional representation means that no one party can ever usually take full control of a parliament. Due to the multi-partism of the majority of Nordic parliaments, negotiated coalitions are overwhelmingly the norm and each of the parties' share of a vote is almost directly in proportion to the amount of influence that a party is granted in a governing coalition, thus parties can often seem to act as unitary collective actors unified by a desire to take a primary role in the control of government. Jensen (2000, p.213) argues that party group control in Nordic parliaments is also high because of some other factors beyond merely sharing parliamentary systems, such as the electoral system of multi-member constituencies where high district magnitudes indicate home districts which are quite detached from their associated representatives. These constitutional arrangements make party group cohesion even more intense than in United Kingdom experience.

'[In situations of] a decreasing district magnitude, the home district becomes more and more clearly defined to the representative, and a need to cultivate the district is likely to emerge.

(Jensen, 2000, p.212)

As in the quote, in the UK where party group control is already strong, the electoral system with single-member districts focuses the attention of the legislator to at least try to meet the needs of his or her constituency, which undoubtedly has an impact on how strongly the MP aligns with the parliamentary party group. Whereas in the Nordic experience, the choice between serving a constituency or serving one's own party is almost entirely extraneous. As an example, in Norway the closed list proportional representation leads to a situation where in

all parties (not just those of the left) '*members are critically dependent on their party organisations for renomination*' (Svasand, Strom & Rasch, 1997, p.94).

It is therefore not surprising that party group cohesion in Nordic parliaments is very high. Jensen (2000, p.214) reports Worre's 1970 study where it was discovered that there was evidence for four principal, stringent controls over the actions of Danish parliamentarians such as;

'...group members were expected to keep internal party discussions to themselves [...] group members were under an obligation to participate in parliamentary roll calls at their party's request [...] individual members of the group were expected not to take political initiatives without authorisation from their party; and – last but not least – group members were expected to stick to the party line in parliamentary votes.'

(Jensen, 2000, p.214 reporting Worre, 1970, p.169-170)

By means of quantitative measures of party cohesion from voting in Parliaments, using the Rice Index of consensus ($\mathbf{RI} = ((\mathbf{Yes} - \mathbf{No}) / (\mathbf{Yes} + \mathbf{No})) * \mathbf{100}$), Jensen (2000, p.217) reports that the average Rice Index score in Denmark is 99.9, Norway 97.5, Iceland 96.9 and Sweden 96.6. The equivalent practical voting example in Denmark's *Folketinget* would mean a single party member from the largest party dissenting on one vote every forty votes⁵ or in a transposed House of Commons example, a single party member of a parliamentary party numbering two-hundred defecting on one vote out of ten. Other quantitative research in the Norwegian *Storting* from Shaffer (1991) discovered that '*a miniscule 0.2% of all the*

⁵ 1 deviant violation from 2000 votes cast based on a party of 50 members in the *Folketinget*

individual votes cast on [...] 402 roll call votes broke with party position (1991, p.65), which is the equivalent of 136 rank-breaking votes from 67,938 possible violations.

Such is the control over parliamentary voting, that it is no misnomer to suppose that parliamentary committees are influenced by the strong cohesion of Nordic parties. Indeed Svasand, Strom and Rasch (1997) note that in Norway *'party leaders, in conjunction with the six-member Board of Presidents, [...] control committee assignments'* (1997, p.94) and clearly there are different levels of reward for parliamentarians such as *'finance and foreign affairs [...] [being] the most attractive committee assignments'* (1997, p.94). However, Hagevi (2000) examined the committee assignment process in each of the Nordic countries and discovered that seniority, in terms of the number of parliamentary sessions served, was an important variable in a parliamentarian being able to choose his or her committee preferences; particularly in the Swedish *Riksdag* *'[parliamentary veterans] tend to get their preferred committee assignments irrespective of the degree to which they are loyal towards their leaders'* (2000, p.257). However Hagevi tempered his conclusion with the admission that *'veteran mavericks'* (2000, p.257) could be alone in this situation:

'Party group leaders enjoy better prospects for promoting party-loyal attitudes when assigning newly elected members to committees [...] [and they] actually promote loyal MPs among newly elected members in a higher proportion than among parliamentary veterans.'

(Hagevi, 2000, p.257)

Parliaments beyond Westminster: English Local Government

In moving from a type of assembly government of the local government committee-system to a *blended* separation of powers offered by the Local Government Act 2000, the possibility of preventing the Madisonian envisaged tyranny of a single unit should, according to practice, be unlikely. A clearly delineated separation of powers, such as that proffered in the elected-mayor option, would have moved local party groups into Samuels and Shugart's (2006) intra-party '*transactional*' relationships rather than intra-party '*hierarchical*' relationships. Thus the parliamentary institutional arrangement compels elected members of a group to '*devote resources to the maintenance of the party's provision of public goods*' (Samuels and Shugart, 2006, p.13) and thus could automatically avert possible '*deviant behaviour*' (Damgaard, 1995, p.312) in respective committee arena.

In similarity to the select committee organisation at Westminster, local overview and scrutiny committees combine the roles of being strategic policy working groups and assemblies of perscrutation on decisions taken (or to be taken) in a mirror format (ministry and committee scrutinising said ministry). In tandem with the select committees, it is not unlikely that individual behaviour on these committees is effectively restricted by the need for the protection of the party group itself. As Damgaard indicates about European parliamentary committees, the replication of the institution in the case of local government will mean that councillor actions would '*definitely [be] constrained by their parties*' (Damgaard, 1995, p.321). With reflection on the extreme cohesion in Nordic systems, parallels and differences can be drawn with the world of English local government that could demonstrate that the legislation created an environment less like that of Westminster and showing resemblance to other European systems. For instance, local authorities across the country have a mixture of electoral systems where councils are elected in stages, where '*a third of [...] authorities have*

elections by thirds [and] 7 have elections by halves' (Game and Wilson, 2006, p.228). Thus the intensity of some local election cycles, which can often be every year in three years followed by a one year gap, reflects the necessity that the party brand will need more routine protection when engaging in elections more frequently. For example, a council with seats up in most years will almost be constantly waging an electoral battle and groups will need to protect the party brand more continuously, thus affecting the activities and behaviour of the parties.

One of the important parallels with non-Westminster systems, such as the Nordic institutions, is that the representatives are from mixed-member wards, where each ward '*returns 1, 2 or 3 councillors for 4-year terms of office*' (Game & Wilson, 2006, p.228) with the norm often being three councillors per ward. A single-member district at least focuses the attention of a legislator to the demands of an electorate, whereas with multi-member wards, there may be less of a '*need to cultivate the district*' (Jensen, 2000, p.212) and thus the strength of the party could outweigh the needs of an electorate.

Furthermore, the most visible difference between Westminster and local authorities is the numerical make-up of the respective institutions. For example, the Commons is currently composed of 650 members, with the largest party having 306 members. In such large groups of elected representatives, the possibility of some party deviants and '*veteran mavericks*' (Hagevi, 2000, p.257) could be relatively high in a situation where monitoring the activities of all members would be exceptionally difficult and where minor deviance is unlikely to significantly affect the party brand. However in legislatures with a small number of members such as English local governments or in the Nordic states where party groups are often in the 'tens' rather than the 'hundreds,' personal relationships amongst members will often be stronger and closer and even minor deviation from such small groups of members would be

more conspicuous to observers, the public and the party itself. However, given the struggle to find sufficient candidates in local government (Wilks-Heeg 2010), parties may be less able to avoid the occasional deviant, thus rendering cohesion more difficult.

Summary

From early modern political philosophers through to contemporary political structures, there has been a division over whether innate human imperfection requires appropriate structures to constrain the exercise of authority. Given the types of behaviour encouraged in the parliamentary blend of powers, the tendency for (efficient) group over (inefficient) individual legislator action has always been a chief concern or cherished asset. Given that the Local Government Act 2000 offered controlling party groups a choice between restrictions or freedom, the very choice of the cabinet/scrutiny model provided evidence that unitary, effectively *party*, decision-making was much preferred.

In terms of the wider debate brought to local authorities, the blended separation of powers, whilst typically shorthanded as an introduction of the Westminster blend, does not share a number of features with its counterpart despite its equivalent appearance. Nevertheless overview and scrutiny committees possess parallel objectives to Commons select committees. Whilst it cannot be concluded that the new institutional environment shares more features with Nordic parliaments over Westminster or even that the Madisonian / U.S. conception of the separation of powers is antonymical,⁶ a comparative and historical assessment shows that the implementation of a **specifically ‘blended’ separation of powers in any tier or place would alter actor motivations and affect behaviour in legislatures.** Given the advantages that parties are granted within these institutional environments, it could mean that groups in

⁶ Pertaining to be the opposite.

authorities could operate as similar constraints on their members. Hence the legislation, despite its intention to remove group-dominated decision-making, may have been more likely to create groups prone to dominate councillor activities such as O&S, due to the relationships created by the blend. The next chapter assesses how the particularistic institution of local government might have affected the introduction of the legislation.

Chapter Four: Local Government Institutional Context

Genesis of Local Parties

'Politics arises in the first instance when one realises that there is no such thing as the people – that no single decision can please all people. There are only peoples, with contradictory and conflicting ideas and interests.'

(Bell, D & Held, V, 1969, p.177)

Gyford (1976) used the above quote to iterate that local politics surely must exist outside of the oft accepted belief that local government was *'something untainted by problems of political power, by the clash of interests or the conflict of social groups'* (1976, p.9) It was argued that those who express the view that local government should exist as a *'community at one with itself, agreed on "what is best for the town" and not riven by the clash of interests'* (1976, p.10) were *'indulging in a nostalgic love affair with an idyllic interpretation of pre-Industrial community life'* (1976, p.11). If there were to be issues with which local people agree or disagree upon within a territorial space, it naturally followed that *'the resolution of the consequent disagreements is the stuff of politics'* (1976, p.12). As a result of the inevitable disagreements, aggregators of interests would develop in order to adequately express these differences within a sphere of government. In practice, these aggregators of preferences in the UK's sub-national government developed as recognised caucuses in the early nineteenth-century and subsequently political parties, which advocated interests on behalf of communities.

In respect to formal arrangements in the UK, the Municipal Corporations Act 1835 created *'78 multi-purpose elected local authorities'* (Wilson & Game, 2006, p.51) and reformed

others with *'the effect of quickening the pace of local political activity'* (Gwyn 1962, p.70-71). The initial county council elections subsequent to their founding in the Local Government Act 1888 created a number of *'party political councils, in which most or all members were elected on party labels, [...] recognised in council business'* (Game and Leach 1989, p.29) with the rest being *'crypto-partisan, with party conflicts beneath the surface'* (Stewart 2000, p.124). From the origins of local government through to the present, there has been a gradual movement towards 'party' at sub-national level; *'beginning in the nineteenth century, spreading in this century first through the major cities and then, if less evenly, to the shires'* (Young in Widdicombe 1986b, p.81).

In a 1962 Conservative pamphlet, it was posited that the rise of party politics in local government was due to the Labour Party *'approach[ing] local government from a national political angle'* (Block 1962, p.4). Whilst this may be the reason why the national parties sought to develop local representation, as way to assist their national goals (e.g. *'a small amount spent at a municipal contest would prove more advantageous than a large amount spent on Parliamentary contests'* (Gwyn 1962, p.70-71), Young (1975) challenged the account that it was Labour which started the trend toward politicisation. For example, in 1894 the London Municipal Society was viewed as *'municipal handmaiden in a national cause'* (Young 1975 p. 213) with the Conservatives viewing the sub-national as an instrument which could lead to success for the wider party with an assumption that success at a local level would lead to *'political benefits accruing [for] the national party'* (Young 1975, p.213).

However it could be held that the ascendancy of Labour as a social movement at the beginning of the century brought about *'an intensification of party conflict, with a greater number of contested elections and a greater alignment of party and policy'* (Stewart 2000,

p.125). This often took the form of Labour versus ‘*anti-socialists [...] orchestrated by the Conservative Party [...] and labelled variously*’ (Wilson & Game 2006, p.304). However, politicisation was not necessarily widespread and typically depended upon the scale of disagreement:

‘Each authority had its own political history and was influenced by its particular combination of personality, environment and events, which can mean that the pattern of politics at any given moment of time was likely to differ between what appear to be similar authorities.’

(Stewart 2000, p.127)

Where parties did organise, there was structure in their approach to decision-making. George Jones (1975) referenced Herbert Morrison’s 1930s guidelines that local Labour groups could follow:

‘(i) candidates for the council are selected by local ward parties, (ii) The electoral policy is decided by the constituency or borough party (iii) The members of the council meet regularly in a party group to decide how they shall act in the council (iv) Each committee of the council may hold group meetings of the members of the party to plan their action on the committee (v) Leading the party group will be a policy committee or an executive committee of the leading members.’

(Jones 1975, p.29)

Subsequent to this creation of a model of party organisation mooted by Morrison, it was common that the reaction from other actors was game-theoretical reciprocation:

‘Conservatives and other parties [...] used this structure, as a sensible way of organizing their members, especially to combat Labour’ (Jones 1975, p.29).

It was not until much later and the introduction of the Local Government Act 1972 where there was *‘the abolition of alderman [which] removed an influential group less involved in party activity [and] the introduction of payment of councillors [...] at a rate more generous than it later became’* (Stewart 2000, p.128) when local government started to become considerably more party politicised. More importantly, as a cause, was the mandated reorganisation of local government involving the abolition of *‘all county boroughs, reduction of 58 county councils [...] to 47 [...] and 1250 municipal boroughs, urban and rural [...] merg[ing] into 333 district councils’* (Wilson & Game 2006, p.58). In this respect, previously non-party authorities would have merged with party-split authorities, creating more party-entrenched authorities (e.g. *‘merging urban and rural politics [...] leading to the more assertive politics of the urban areas dominating’* (Stewart 2000, p.128)). Wilson & Game (2006) reported that the percentage of these party-split authorities *‘rose immediately to nearly 80% in England and Wales’* (2006, p.303) as a direct result of the Act. The influence of national parties was also important, especially with the Conservatives *‘actively encouraging local branches to contest elections under the party label rather than to support independents’* (Stewart 2000, p.128). One of the most direct and lasting consequences of the 1972 Act was the entrenchment of more widespread party activity.

Local parties have existed and continued their activities despite a lack of constitutional protection against central government encroachment (e.g. central government can make structural, procedural and functional changes to the sub-national) and their oft common subjugation to central party (e.g. some retain control over their local parties.) However across

these difficulties, local government provides at least some functional control over local issues, sufficient to command a need for an aggregator of interests such as party groups. As Gyford (1976) suggests (and *generally* remains the case):

'Evidence and experience seems to suggest that local authorities do have room to manoeuvre within the limits laid down by legislation [...] they have scope for decision-making about levels and types of expenditure and provision which enables them to exercise some degree of autonomous power within their own geographical boundaries.'

(Gyford, 1976, p.21)

As such, as long as there is retention of a policy space in local government along with some capacity for *local* group decision-making, there will exist '*policy politics*' which brings with it: '*partisan, system and patronage politics*' (both Gyford 1976, p.21).

Political Party Groups in English Local Government

Today the majority of councillors in England are elected under a party label, predominantly as candidates of one of the three major political parties (Conservative, Labour and Liberal Democrat). In each authority, party groups are mostly '*coherent, unified and disciplined bloc[s] of councillors, sharing the same political party membership or allegiance*' (Copus, 2004, p. 92). Decisions, which should arise formally from open deliberation, arise behind closed doors and '*reflect the outcome of majority party councillors meeting in the party group to agree a common line on issues*' (Leach, 2006, p.130). Regardless of the relative strengths of individual party groups, they have been an unyielding fixture in local government and their necessity to political survival is perhaps best demonstrated with the fact that even independent

candidates have formed '*faux-party*' groups to consolidate their aims (MIF 2008, Copus, Clarke, Bottom 2008). Due to their inveterate power in decision-making, Copus (2004) defined the party group as a '*formalised informality*' (2004, p.94) which generated power through the '*willingness of councillors, as party affiliates, to sub-ordinate their relationship with the electorate to the one that they have with their political party group*' (2004, p.94) and '*provided councillors with a closed and private theatre for representative activity*' (2004, p.94). In a report by the Maud Committee (1967) it was found that group control was replete:

'[P]arties tend to have too much of a stranglehold in day-to-day operation, and members follow the party line with a regularity which seems to many observers forced and unnatural, and precludes the possibility of creative discussion.'

(1967, p.8)

The Maud Committee regretted the strength of the political groups that '[deterred] *independent minded people from serving in local authorities*' (1967, p.145) and were '*influential in causing employers, managers and professional workers to leave local government and prompt a majority of ex-members to say that the work [could] be better done without their influence*' (1967, p.145). When looking at the element of party politics in a comparative context, the committee found that in some other countries there was at least '*a general willingness to find acceptable solutions to awkward problems*' (1967, p.106) despite the similarity that members were '*nearly all elected on a party ticket*' (1967, p.106) The committee also found that there was a reluctance from members to admit to and use the party group label, which the Maud Committee attributed to being '*symptomatic of a guilty feeling that party politics [were] inappropriate to local affairs*' (1967, p.110).

Despite the tone of the findings, the Committee stopped well-short of recommending that they wanted to remove the party group. At the core of their argument was that party politics did at least bring '*ideological drive, greater coherence, clearer responsibility and more consistency*' (1967, p.8). However, relating to representative democracy, the Committee had a more cynical conclusion:

'[whether] the party group is engaged in vetting recommendations originating in committees, or considering a line to be taken in council or in a committee, it is a closed organisation which the electorate may not be able to influence. In so far as decisions of the group are 'binding' on the member he can be regarded as a delegate of the group or party organisation rather than a representative of his electorate.'

(1967, p. 112-113)

In the subsequent Widdicombe Inquiry into the Conduct of Local Authority Business (1986a), there was further evidence that demonstrated the control of the group over decision-making. Research found that when voting as a group '*breaches of solidarity [were] rare occurrences*' (1986a, p.27). Ninety-four percent of respondents from parties in power always or usually voted as a bloc in council meetings and eighty-three percent of the same respondents always or usually voted as a bloc in committee meetings (1986a, p.28 & 30). Since reorganisation in 1974, the research concluded that there had been an '*increasing party-politicisation*' (1986a, p.197), which at the very least meant that '*the proportion of elected councillors who identified with a party [had] increased*' (1986a, p.197). The research also noted that due to this absolute increase in party group labels, there was a developing '*formal recognition of 'party' in the conduct of local authority business [...] with councillors of the same party meeting as a recognised group*' (1986a, p.197). An increase in party group meetings was accompanied by

'tighter group discipline and the production of more comprehensive and detailed party manifestos' (1986a, p.197) which illuminated the need for the party to possess a *'tightened control over business'* (1986a, p.197). Almost ninety-three percent of respondents reported that as a party member attending group meetings, they were either routinely bound to accept the decision of the group or were bound in special circumstances (1986a, p.310). This control over the member exerted by the group was further wielded by the lack of officer support and policy expertise available at group meetings, as approximately fifty-eight percent of meetings were formed of councillors alone (1986a, p. 311.) The lack of external support often meant that members were inextricably bound to decisions without contrary evidence. Highlighting a centralisation of control over the party group, the research also discovered that sixty-nine percent of authorities reported the existence of *'inner circle[s] comprised of small group[s] of senior councillors'* (1986a, p.316) within groups.

The Committee noted that the *'increasing gap between the ideological positions and policy preferences'* (1986a, p.197) of the major political groups resulted in a tendency to; *'discuss national policies and their effect on local government [...] which affected the content – and the climate – of council debate'* (1986a, p.198). Thus the move to bring debate about national policy to the local level often disrupted the political culture of the authority and led to groups defensively supporting national priorities. This could have resulted in an increase of time-commitment for councillors as *'group, committee and council meetings had tended to increase in length and in some cases in frequency'* (1986a, p.198) and a *'greater attention to detail of policy administration on the part of councillors'* (1986a, p. 198). One of the conclusions from the Inquiry was that this level of politicisation was becoming more acceptable:

‘It was increasingly recognised that the major role of local government nowadays was to reflect political priorities. [...] If local politicians were taking their responsibilities in this respect more seriously, then this was a healthy development.’

(1986a, p.198)

Although the Inquiry acknowledged that the state-of-affairs was not common across all authorities, it was considered that it was part of a wider, concerted effort by party groups in the face of electoral competition based on the *‘breakdown in many parts of Britain of the two-party system’* (1986a, p.198). The increase in competitiveness meant that it had become necessary for the groups to become more involved in regulating member behaviour.

Four years later, Young and Davies (1990) disagreed about the image of a more disciplined party organisation being *‘a rising tide, steadily engulfing authority after authority, with political organisation bringing in its wake both greater formalisation of political control and the risk of polarisation’* (1990, p.11). For example, it was found that there were differences between urban and rural councils, where over eighty percent of councillors in urban councils reported they were routinely bound by group decisions compared to roughly fifty-percent in rural areas (1990, p.43.) However, the report also recorded the change in the four years since Widdicombe and noted that more councillors (overall) were routinely bound by the party group in 1989 than in 1985 (1990, p.46). This increase in ‘group mandating’ was particularly prevalent in majority parties where up to ninety-two percent of Labour councillors were routinely bounded by group decisions (1990, p.46), however, both *‘[major] parties remained distinct in the extent to which their members were effectively mandated [but] both had moved in the direction of routine mandating’* (1990, p.46).

Young and Davies identified that the variable of a councillor '*never voting with the opposition*' (1990, p.47) was the most useful guide for group discipline, as it implied that members refused cooperation for the sake of loyalty. Using this variable, the research found that majority councillors in urban areas were the least likely to vote against their own party (1990, p.48). The variable also showed the distinction between the group control over council meetings and committees, and because of the '*long standing practice of relaxing party alignments in committee meetings*' (1990, p.47), it was found that groups used more discipline to regulate members in council meetings than in committee meetings, but this difference was not substantial.

Since Widdicombe there had been considerable increases in cohesion in committee meetings, especially in Labour authorities where in '*as many as a third of Labour councils, [majority party group] members never voted with the opposition*' (1990, p.48). Although this trend was replicated within Conservative councils the difference was less pronounced. On group discipline, Young and Davies concluded that in the short space since Widdicombe there had been a '*sharp increase in partisanship*' (1990, p.50) that had been evident not only in council meetings but in committee meetings, where councillors were '*abjuring support for opposition viewpoints [...] where, traditionally, party differences have generally been put aside*' (1990, p.50). It was reported that this was not just a manifestation of a '*widening divergence of views between councillors of opposing parties, but a tightening of party political organisation*' (1990, p.50). The Widdicombe conclusion of a general increase in party competition creating a flurry of competitive behaviour in all groups was dismissed by Young and Davies, although it was argued that the trend for tightening the party group organisation was '*by and large [...] a growing intensity of politics in urban areas*' (1990, p.51).

As indicated by research on differences across affiliation (Young & Davies 1990, Copus & Leach 2004), there are notionally clear differences which separate the parties' approach to discipline, unity and intra-party organisation. The following assesses how each major party in local government has expressed a desire for cohesive behaviour.

Labour Party Group Cohesion

Due to the historical growth of the organisation, as the *'party and its local organisations existed outside of Parliament and local councils before it existed inside them'* (Copus 2004, p.73), the Labour Party has traditionally placed a *'great emphasis on group solidarity and abiding by collectively agreed decisions while at the same time allowing for debate and discussion in reaching those decisions'* (Leach 2006, p.131). The Labour party has also traditionally been portrayed as the principal actor accountable for the politicisation of local government in the second half of the twentieth century, believing that *'public differences of opinion [were] signs of 'political weakness and embarrassment,' or [...] 'fatal to electoral success'* (Copus 1999c, p.21).

As early as 1952, the Labour Party sought ways of utilising intra-party co-operation to further national priorities and policies. For example, Labour were the first party to take advantage of using national associations of local authorities as spaces for party group meetings where an *'[exchanging] of views and discussion of common problems may take place'* (Labour Party Annual Conference 1952, p.168). Although not necessarily successful at first, Gaitskell was a strong advocate of their usefulness in regards to intra-party communication and pushed the idea as *'a platform for projecting the party's ideas to a wider audience'* (Gyford and James 1982, p.26). This issue of national communication between local Labour groups at this stage had been an important method of retaining a direct link between local government and

ministers and thus discuss issues '*if not as equals, then at least as fellow members of the same party, concerned with common problems*' (1982, p. 27). The appearance of a robust national/local connection within Labour had occurred because local government was increasingly being seen as '*complementary, rather than a potential obstacle, to the achievement of broad national policies*' (Leach 2006, p. 132) and this potentially '*reinforced the sense of solidarity [...] and [fostered] a more highly disciplined and organised practice of group politics*' (Leach 2006, p.132) As a Labour councillor attested; '*we see ourselves in terms of broad national policies as a whole*' (Gyford and James 1983, p.50).

Due to this level of interaction with the national party, local Labour groups are regulated to a considerable extent by the Labour National Executive Committee (NEC) in a largely subordinate relationship. Hence where factionalism surfaces at a local level and where a dispute is bringing the national party into disrepute, the NEC has effective control over groups to supervise resolutions. Copus (1999) notes that the NEC has shown '*little reticence in acting*' (1999, p.21) and has investigated high profile disputes in Hull, Hackney, Glasgow and Walsall (1999, p.21-22). In the majority of cases where intra-group relationships have not broken down, there are a complex set of rules, regulations and subsequent disciplinary procedures designed to keep groups in order. As Copus highlighted '*all issues are whip issues*' (1999, p.20) and failure to fall in line often meant that councillors were subjected to either, at best, a low-key future on the backbenches or, at worst, deselection or suspension.

In the Labour Party rule book (2008) there are references to expectations of group loyalty and detailed regulations of what is required from members. These rules indicate that group members are bound to act in the greater interests of the party and to subsume personal beliefs and grievances:

‘Labour groups shall conduct their business in a comradely fashion, in such a way as to maximise participation from all members and to facilitate debate on key policy and political matters. [...] The content of internal discussion is not for communication outside of the party, and internal disputes that are aired in the public domain will be subject to disciplinary action.’

(Labour Party, 2008, p.55)

As above, the individual member of the group is part of a formal intra-party democracy, however, the actual discussions conducted within this group are restricted to this arena alone and public exposure of disagreement is prohibited. The following text from the rule book also illustrates the Labour’s instructions which intimate that loyalty is expected, even where legislation expressly discourages the practice:

*‘[In] the scrutiny process each member shall form his or her own judgment according to the evidence, and not be bound by a group whip. **However, the member should have regard to their membership of the Labour Party and seek to act in keeping with Labour Party policy and values.**’*

(Labour Party, 2008, p.58)

Given that the regulation insists that councillors *‘have regard to their membership,’* there is an implication that this should be a method of approaching the work of overview and scrutiny, regardless of evidence provided. However, members may automatically form judgments that would be similar to other members of their party on the basis of their ‘opt-in’ membership; councillors of the same party clearly share some values, motivations and beliefs. Counterintuitively the rule alleges that members could disregard party values in overview and

scrutiny and hence the regulation actively seeks to prohibit councillors from disagreeing with Labour policy in public.

In an interview with Hilary Armstrong, former Minister for Local Government and responsible for the introduction of the Local Government Act 2000, there was a sign that decision-making within the confines of the group would be preferable for a Labour group under the new environments.

*'I think if they're in power, I think that a good leader is able to work with his whole Labour group on how **to handle these things more effectively**. Because what you really want are people who will scrutinise, **who will tackle these things very carefully...**'*

(Hilary Armstrong MP, former Minister for Local Government, 9th July 2008)

The mention of a leader working with his/her own group on how to '*handle things more effectively*' in order to '*tackle these things very carefully*' could be interpreted to indicate that any criticism directed at the group should be internalised and not made public or, at the least, handled with tactful party-mindedness.

Combining the development of the party with its tight multi-level relationships, the strong emphasis on party cohesion and collective unity for the sole purpose of impact (whether policy or winning elections) has meant that the Labour groups in local government have been perceived to be '*the most highly disciplined and organised of all groups on councils*' (Leach, 2006, p.132)

Conservative Party Group Cohesion

Quantitatively, Conservative groups across local government share a number of traits with Labour. Young and Davies (1990) research found that since the Widdicombe research in 1985, the practice of Conservative groups in local government '*continued to move towards that of the Labour party. In 1989, 50 per cent of Conservative authorities reported that the party group decisions were routinely binding on members, against 40 per cent in 1985* (Young & Davies, 1990, p.47). The research summarised the difference between the two as '[lying] in the strength rather than the prevalence, of the expectation that members will abide by group decisions' (1990, p.47). That being said, the Conservative groups in local government were mirroring the increase in cohesion demonstrated by Labour. Conservative councillors in 1989 were just '*as partisan in their voting in committee meetings as were Labour councillors [when Widdicombe research undertaken]*' (Young & Davies, 1990, p.48).

However, the Conservative party, as it developed as an organisation, differs significantly from the other parties. Until quite recently, the Conservative Party was not operated as a national body and the term 'Conservative' itself was constructed as: '*...shorthand term for three separate organizations. [...] The National Union of Conservative and Unionist Associations, [...] Conservative central office, [...] and, the Conservative parliamentary party.*' (Whiteley, Seyd & Richardson 1994, p.20). In respect to this separation of the party, there was a lack of a constitution that tied the party's structures together and thus the 'party' only existed as a union of organisations. In consequence, up until the preparation of a national Conservative constitution in 1998, members could only join their local constituency associations, which were affiliated to but not part of the national party. In respect to a formal relationship between the national and local branches, unlike the Labour party which had mandated rules,

regulations and obligations upon their local components, the Conservative sub-national associations were, and still are, relatively autonomous in all aspects of their operation.

'...when the leadership of the National Union attempted to require constituency associations to adopt both a new set of model rules and a code of practice and to submit an annual return detailing [...] activities, none of these proposals secured [a] majority at a meeting of the central council [...] because local representatives were suspicious that these changes would lead to centralised control of constituency activities.'

(Whiteley, Seyd & Richardson, 1994, p.21)

However, central office had not been averse to trying to encourage the associations to submit to versions of how they would like to see their components act before the introduction of the constitution. There have been publications of model guidelines for the operation of party groups but the *'adoption of [the] provisions was advisory not compulsory [and] Conservative groups did adopt, adapt and ignore [their] contents'* (Copus, 2004, p.138). Copus (2004) argued that any group subscription to the emanations from national party could have been *'just as likely to have been accidental or unintentional as it was a ready acceptance of the role of the national party in structuring group organisation and activity'* (2004, p.139).

Local party dismissiveness of central control is not unusual given the development of the party and its support of individualism. Since the nineteenth century and the encompassing of the *'Cobdenite market liberals'* (Whiteley, Seyd & Richardson, 1994, p.131), sections of the membership of the Conservative party have subscribed to individualism in the narrow sense of *'petit-bourgeois concerns over private property and the interests of small businessmen [...]*

supporting the idea of laissez-faire and reduced government intervention (Whiteley, Seyd & Richardson, 1994, p.131) but also in the broader sense of having a *'distaste for the presence of nationally orientated and controlled parties in local affairs'* (Young 1975 cited by Copus, 2004, p. 138). The very suggestion of controlling an organisation from outside an organisation through *'domination and subjugation'* (Copus, 2004, p.138) should be an anathema to most Conservative members.

Relating to the operation of the Conservatives, almost counterintuitively in terms of subjugation, group leaders are *'not only expected to give a lead on a certain issue but also a strong lead which they expect will be followed'* (Leach, 2006, p.133). Thus group decision-making should be more difficult than the supposed comradeship inherent in Labour groups. Unity is often only secured *'through leaders forming ad hoc or fluid informal coterie of supporters [...] including group officers, chairs, informed backbenchers, party chairs and agents'* (Leach, 2006, p. 137). Whilst being mandated to follow group orders might not come naturally to Conservatives, as in the Labour party where a high amount of self-subsumption is required for the common good, the informal method of decision-making *'to obtain a sense of what the group is thinking'* (Leach, 2006, p.133) allows unity to become apparent only on the basis of what the group *'would accept and not accept'* (Leach, 2006, p.133). Thus unity for Conservative groups may often be on the basis of the palatability of decisions taken by an informal cadre, in contrast to Labour groups using collectivist decision-making irrespective of palatability to all. In both cases, cohesion is delivered but through noticeably different routes.

Whilst the Conservative constitution developed in 1998 provided a framework for the operation of the party as a whole, it did not provide specific guidance for the relationship between constituency associations and groups on local authorities (Conservative Party, 2009).

More relevant to this research are the model standing orders for Conservative groups. Unlike Labour regulations, the instructions for groups are far more open to interpretation and draw a distinction between mandatory and advisory guidance. In tandem with Labour, one of the mandatory regulations for Conservative groups stipulates that:

'9.1 Members shall be expected to support decisions taken at group meetings on all issues other than matters of conscience and matters specific to their ward: 9.1.1 at meetings of the council and its committees, other than at scrutiny or [...] when acting in a quasi-judicial capacity. 9.1.2 in their comments to the media and 9.1.3 – at any other public meeting.'

(Mabbutt, 2004, p. 8)

Thus the Conservative regulations grant a similar exception to scrutiny when councillors should not have to follow the desires of the group meeting. This exemption section is then immediately followed by an equivalent expression of the need for internal discussion and an almost antithetical (*obligatory*) strengthening of group control over individual councillor's actions:

'9.2 If a member feels he or she is unable to support a group decision on any issue, including a matter of conscience or a matter specific to his or her ward, he or she shall discuss the issue with the Group Leader (and/or Chief Whip) before saying anything in public.'

(Mabbutt, 2004, p. 8)

Thus whilst scrutiny is explicitly unspoken in **9.2**, the regulations indicate that councillors are not free to express any displeasure with group decisions in public, regardless of arena, without first discussing the issue with the leadership. From the scrutiny perspective, bringing together both regulations 9.1 and 9.2, councillors should not be forced (*whipped*) to support group decisions in overview and scrutiny (**9.1**) but if they express disagreement with the group decision/line, then this must be discussed with the leader and not raised in public (**9.2**). To further complicate, councillors within Conservative groups are also expected to toe the party line when issues have been decided without discussion at a group meeting. Whilst **9.3** is advisory, in contrast to the mandatory 9.1 and 9.2, the regulation specifies that it is the '*group leader, in consultation wherever possible with group officers, who shall have discretion to decide what the group's position shall be*' (Mabbutt, 2004, p. 8).

The Conservatives also published information packs for prospective and successful local candidates. In these documents, produced by the Conservative Councillor's Association in contrast to guidance provided centrally by Labour, advice is given on how councillors can get elected and what to do when elected. In the guide for prospective councillors, there is no mention of the group as a constraint, yet in the new councillor guide there are explicit references to the expected behaviour of successful candidates:

'...if your group is to be effective it is important that you all work together. Conservative councillors need to work as a team, recognising the obligation to work within the discipline of the Conservative group and, in particular, to vote on the group line in policy issues. From time to time, the group will insist that a particular policy or line of action be taken by the party.'

(CCA, 2008, p. 10)

Whilst overview and scrutiny is given a technical introduction at the beginning, the guide also has a section on '*How to be an effective backbencher*' which includes a paragraph devoted to how to work within a group. It summarises that the councillors should work as a collective for the sake of achieving group goals and individual ambitions:

*'It is important that your group works together to achieve its collective aims. **You will get a lot further** if you are working with each other, rather than against each other. Try to co-ordinate with the group if you intend to [...] speak at a meeting to make sure it does not go against something previously said by the group or adversely affect the work of another councillor. **Don't forget that what you do also reflects on other Conservatives on the council.'***

(CCA, 2008, p.17)

Thus as far as specific advice on backbencher work is concerned, the Conservatives are more explicitly prescriptive than Labour about how to operate as a non-executive. Whilst it is evidence of councillor instruction from the local party association, guidance provision does not necessarily imply that Conservatives would follow recommendations any more strictly than other councillors would follow the prescriptions from their own party. However, the regulations provide evidence of instructing councillors of the need to protect goals of the party and thus the possible constraints that arise as results of these ambitions.

Liberal Democrat Party Group Cohesion

Liberal Democrat groups also demonstrate cohesive behaviour in local government as there is recognition '*that collective and cohesive action by their group and currents of local opinion are the key to political success*' (Copus, 1999a, p. 320). Whilst subscribing to political

freedom of action in ideological terms, where *'they react most strongly against an over-dominant leadership, which is the antithesis to their individualistic and inclusive philosophy [making the party] often the most unwieldy of the three party groups* (Leach, 2006, p.134), it is still the case that Liberal Democrats do operate in the same manner as other groups with *'regular meetings to discuss policies, agree on decisions and develop a common line on issues'* (Leach, 2006, p.134). Despite appearing to be potentially some of the least cohesive of the groups, especially given studies such as Copus (1999a) which reported the willingness of Liberal Democrats to break rank, the levels of the likelihood of dissent are quantitatively similar to the other individualists; the Conservative party. Both Copus (1999a) and Leach (2006) are careful not to overstate the freedom from constraint for Liberal Democrat councillors. As Copus (1999a) argued, the difference between the approaches to cohesion that the parties take is easily summarised:

'...a Labour councillor will openly expound the virtues of loyalty to the group [whilst] the Conservatives and Liberal Democrats focus on their perceived freedom from the party that enables them to accept, and offer to their group, their loyalty.'

(Copus, 1999a, p. 320)

The Association of Liberal Democrat Councillors (ALDC) publishes a wide range of materials for the operation of groups. Most notable amongst the publications in relation to party cohesion is a document entitled *Effective Group Management*. The publication provides advice about the operation of the group and a copy of model standing orders that should, with amendments allowed, be used by groups. In relation to group meetings, the document states their purpose to the group as a mechanism to unite councillors on issues:

'The purpose of group meetings should usually be to discuss particular issues and reach a view on them. [...] Done well they can lead to a better organised and more united group, done badly they can make a poor situation worse!'

(ALDC, 2007, p. 1)

The model standing orders also have a section on expectations of group loyalty. The subsection heading itself is footnoted with an explanation of why there is even a section on loyalty included:

*'Some people maintain that Liberal Democracy means there should not be group discipline and group lines – this is simply not the case. **If we are to operate effectively on the council to achieve our aims, there has to be group loyalty and group discipline.** Every candidate who comes for approval should be asked to agree to these standing orders.'*

(ALDC, 2007, p.12)

This explanation is unambiguous that loyalty serves a purpose in helping to achieve the goals of the groups. With the explicit suggestion that prospective candidates should agree to this main point as a matter of course, group loyalty is seen as a core obligation. Whilst there is an exclusion for explicit whipping in relation to scrutiny committees, quasi-judicial committees et al. within the section on group loyalty, there is a similar 'sidebar' regulation, in similarity to Labour and Conservative rules, that *'on policy issues fully discussed and agreed by the group, members are asked to support the group'* (ALDC, 2007, p.11). Those who disagree with a policy line taken by the group at a meeting are expected to *'inform the group leader or group whip in advance and asked to refrain from speaking or voting against the group*

position' (ALDC, 2007, p.12). Again, the practice of not whipping members on O&S committees is explicitly stated, but as a counterpoint to this, to go against the policy line of the group within O&S could be seen to be discouraged.

Beyond the loyalty expectations set down by other parties, the ALDC also expressly wish for Liberal Democrats who have chair/spokesperson positions in overview and scrutiny (and other positions) to report back to the party in group meetings. The guidance suggests that when these people are invited to speak, there should be *'arrangements for questions/statements/speeches by Liberal Democrat group members'* (ALDC, 2007, p.10). This feature of reporting back to the group from scrutiny is then immediately followed by the recommendation that the *'group will ensure that members present a united public face on matters of concern to Liberal Democrat policy and principles in so far as may be compatible with individual conscience'* (ALDC, 2007, p.10).

Thus despite being viewed as a party with ideological allowances for only ad-hoc cohesion, Copus (2004)¹ surmises that these types of strict standing orders, which go much further than those published by the CCA and Labour, *'somewhat conflict with the Liberal Democrat's popular image as community politicians and can compromise councillors [...] by their requirements for group loyalty'* (Copus, 2004, p.134).

The Motivation to Change: The Committee-Delegated Executive

In order to assess 'change' in group behaviour, it is necessary to assess the institutional environment which parties inhabited before the introduction of the Act. This system was a *'monistic "government by committee" model'* (Wollmann 2004b, p.153), comprised of a

¹ On an earlier version of ALDC guidance.

number of deliberative assemblies represented by topic-based committees of councillors. With each committee containing councillors who would become specialists in policy areas, the 'committee-system' of decision-making was effectively a delegated executive making decisions on behalf of the council. One of the strengths of this lack of singularity of leadership was the deliberative nature of councillor subject-specialists sat in judgement of policy; *'it is the committee's business to introduce and impose the sense of proportion after hearing what science has to say'* (Finer 1933, p. 223) and was *'admirable institution for collective thinking aloud'* (Gyford 1976, p.50). However, whilst Stewart (2000) ascribed this as positive, he considered it could be negative due to the danger of being 'caught,' when the arrangements could *'narrow councillor's concerns so that they become advocates for the services rather than for the local community'* (Stewart 2000, p. 45). This narrow focus of the committee-system led each committee to be an *'enshrined silo [where the] committee praised [their] own successes, guarded their budgets jealously and resisted loss of powers'* (Coulson, Baddeley & Cade 2010, p.5).

Nonetheless, the committee-system with the group as an actor, especially in authorities with a majority group, often gave the arrangements a *'ritualistic type of role [...] as a course of action [had] already been decided upon by the majority group, who will have previously discussed the agenda in detail and decided it's voting strategy'* (Gyford, Leach & Game 1989, p.195). Given that a role of the (majority) party group was to allocate chairpersonships and committee members, whether or not with intra-party democracy, the freedom of the committee system to deliberate on the best course of action was dependent on how much the majority group was willing to give it.

The chair role was thus exceptionally important in the operation of the committee-system and a chair and senior officer occupied a *'position of power [...] seldom placing matters before the committee where the outcome [would be] in doubt'* (Coulson, Baddeley & Cade 2010, p.4). Friend & Jessop (1969) noted that the committee chair provided the link between the group, the officials and the implementations of decisions:

'By interpreting the climate of opinion in the majority group, the chairman would often be able to guide the chief officer towards the submission of recommendations which would be politically acceptable, or at the very least to advise him that certain unacceptable solutions should be discarded.'

(Friend & Jessop 1969, p.55)

As ways to exclude opposition contributions, chairs could actively circumvent difficulties by *'dealing with long agendas in just a few minutes [...] moving items to "confidential agenda" [and for] controversial matters, a sub-committee of carefully picked members would be created'* (Coulson, Baddeley & Cade 2010, p.5). Young and Rao (1997) referred to the complexity of the two-part committee-system (formal and informal) as *'providing slow, and sometimes tortuous, decision-making'* (1997, p.226) that was exceptionally inefficient. Stewart (1990) argued that the informality of the relationships beclouded and added complexity to the decision-making of local government:

'Although committees dominate the formal working of the authority [...] councillors' decisions may be made more often in party groups than in committees. Leaders and chairs exercise an authority beyond the formal structure.'

(Stewart 1990, p.31)

In terms of opposition strategy within the committee-system, despite the rarity of '*debate at council meetings [leading to a] changed course of action*' (Gyford, Leach & Game 1989, p.195), opposition groups often used committees to '*play to the gallery, reflecting the fact that the local press [were] likely to be present*' (1989, p.195). Generating electoral capital through theatrics was becoming more prevalent and there were reports of '*flamboyant gestures such as seizing the mace or pre-meditated walk-outs*' (1989, p.195) for opposition groups to express disapproval.

Regardless of the inherent problems of the committee-system, each councillor sat on at least one decision-making committee and whether their perspective was noted, acted upon or dismissed by chairs, there was a public opportunity for decision-making deliberation. Despite the possible informality, there was no lesser democratic control of the committee-system than the arrangements introduced in the 2000 Act and allowed the removal of the decision-makers from control: '*if the political party in control on the council failed to deliver, the voters could kick them out*' (Stoker 2004, p.133) regardless of the presence of any political executive.

The Road to Change: Building Dissatisfaction with the Committee-System

In 1990 the Audit Commission presented a report which argued that the committee-system arrangement provided a significant barrier to effective policy-making and inhibited wider strategic policy discussions. It was found that roughly fifty-percent of committee meeting time was dedicated to either major or minor operational management, such as day-to-day problems (1990, p.7) and councillors often spent up to sixty-percent of their time '*attending, preparing for and travelling to and from committee meetings*' (1990. p.6) and up to ten-percent of their time preparing for these meetings in party groups (1990, p.6). The report argued that as councillors spent most of their working time and almost half the time of

committee meetings dealing with micro-management that could be delegated to officers, they effectively had '*abandon[ed] their representative roles and become apologists for, rather the controllers of, whatever the organisation does*' (1990, p.8). Understandably the reason why the focus of the councillor was squarely on daily operations could have been primarily due to the belief that micro-level decisions needed to be taken because '*the outcome [was] likely to have a major effect on electors and their families, [...] or they may [have] felt that their political values [were] not being expressed in service delivery*' (1990, p.6). Councillors may have also felt that their representative role of working for their constituents required them to '*be seen to influence council decisions at the operational level*' (1990, p.6).

In a 1991 Department of the Environment consultation paper, it was similarly argued that the committee-system was not functioning in an efficient way, as decisions not taken by officers were either taken by whole councils or a number of committees and '*this process was often time-consuming, cumbersome [...] and in practice, the ability of ordinary members [...], to influence decision-making [was] likely to be limited*' (1991, p.10). The paper provided some initial observations of what could be changed in local government:

'[Promoting] *more effective, speedy and business-like decision-making, enhancing scrutiny of decisions, increasing the interest taken by the public in local government and providing scope for councillors to devote more time to their constituency role.*'
(1991, p.10)

Amongst the suggestions of *what* to change was bringing about a political *separation of powers*, citing examples from France, Italy, areas of Germany, Denmark, Sweden and the U.S.A (1991, p. 21-26), all of which had split the decision-makers and those who scrutinise

decisions-taken. The paper argued that these structures were more efficient than the committee-system and considered that an introduction of an executive would bring about more streamlined decision-making. Despite being separated from the main concept of a requirement of an executive, the consultation suggested that any developing executive function would need checks to counter any '*abuse of power by majority parties*' (1991, p.11) and would therefore require '*scrutiny committees, modelled on Parliamentary select committees, which would be able to review the activities of an executive*' (1991, p.17). Although mentioned, the idea of 'scrutiny committees' was not developed as far as the role of the executive, however, it was suggested that these committees could require officers and executives to give evidence, in order to scrutinise decision-making.

Due to government priorities at the time and the wholly negative reaction from areas of local government which greeted the proposals without '*overwhelming enthusiasm [...] as the formal responses of the local authority associations to the consultation paper indicated little support for radical change*' (Stoker, G & Wollmann, H 1992, p.266), the recommendations were shelved in order for a joint working party to be set-up. This joint-working party, instead, made recommendations to '*strengthen the role of the councillor and develop effective leadership within local authorities by building on existing developments*' (Young & Rao, 1997, p. 227). It was not until the subsequent change in central government control that the proposals relating to a separation of powers for local government became more concrete.

The Party of Change: Labour's Agenda for Local Government

In the consultation paper *Modernising Local Government: Local Democracy and Community Leadership* (DETR, 1998a), the government intended to change political arrangements in

local authorities, subject to individual councils choosing the best option for their area. The early ideas explained that the roles of councillors would change:

‘Councils will have political and management structures involving cabinet-style governance or directly-elected-mayors with executive responsibilities. Whatever structures councils will have chosen, the key executive, representational, and scrutiny roles of councillors will be readily distinguishable.’

(1998a, p.6)

The paper argued that councillors would often *‘feel unable to influence events [with an absence of a real detailed knowledge of the needs and aspirations of the people]’* (1998a, p.29) given that *‘in most councils it is the political groups, meeting behind closed doors, which make the big and significant decisions’* (1998a, p.29). The government’s answer to this problem was a somewhat radical solution, given that some authorities had already tried *‘innovative ways of involving the public in their decisions, [such as] adapting their committee structures’* (1998a, p.29). The paper also reported that because so few people knew who led their council or who was responsible for decision-making within local authorities there was a need for an executive leadership that the population would have a *‘direct say’* (1998a, p.30) over. The government articulated three motivations for the splitting of powers; *‘greater clarity about who is responsible for decisions; greater clarity about who has taken and should be held to account for decisions; and sharper scrutiny of those decisions’* (1998a, p.30). Because decision-making was being taken away from the committee structure and full council (in its approval role) and placed in the hands of a select few members of the council, the government believed that the changes would *‘shake-up and reinvent’* (1998a, p.30) local government because *‘councils would be less able to operate behind closed doors without*

debate and review' (1998a. p.30). Absurdly, the paper did not acknowledge that giving decision-making over to small cabinets on one-party, majority-led councils could easily perpetuate these closed-door phenomena.

Understandably, given that the separation of powers was meant to be an adhibition² to diminish a councillor '[feeling] *unable to influence events*' (1998a, p.29), it seemed counterintuitive to suggest that removing the decision-making capacity of the majority of councillors would improve a councillor's belief in her/his own efficacy. However, central government's concern with the committee-system could have been more influenced by the domination of the group over decision-making rather than any stronger concerns about role confusion and micro-management. In interview, one of the ministers responsible for the implementation argued that group decision-making was too opaque:

'...decisions were almost invariably reached in group meeting. In a way that made it very difficult to pin down responsibility for particular decisions or their implementation. It was really unsatisfactory in all sorts of ways and that had to change. So I make no apology for, for the process of reform, I think it was necessary.'

(Nick Raynsford MP, former Minister for Local Government, 8th July 2008)

To this end the consultation paper marketed the idea of backbencher scrutiny committees as a model that '*could be less time-consuming, but more high profile, more effective and therefore more rewarding*' (1998a, p.32) rather than as an difficult corollary of the legislation's aim of removing group control. However in interview with the minister responsible for the

² An affixion as '*to apply as a remedy, to administer*' (OED 2010)

introduction of the legislation, the strategic role of local authorities would be firmly planted within an executive and everything else was indeed a ‘difficult corollary:’

‘I really did feel that you needed a sort of strategic driving force, which was what the cabinet system was supposed to bring... but then that meant you were going to have a lot of councillors who weren’t in the cabinet, and you had to give them a role that was meaningful...’

(Hilary Armstrong MP, former Minister for Local Government, 9th July 2008)

In effect, the government was taking decision-making away from most councillors, however, it could be argued that the government was trying to enable members to correct the ‘*the absence of a real detailed knowledge of the needs and aspirations of the people*’ (1998a, p.29). By allowing councillors to look beyond the group as a leviathan over decision-making, the separation confronted groups with a dilemma of evidence vs. group. Through the introduction of evidence-based scrutiny the dynamics of intra-group relations could change, thus the legislation could confront the primacy of the group:

*‘...maybe my experience in the north-east was driving some of this but we used to feel that some councillors were losing contact with their wards, with their constituents, **with what was actually going on.** Everything went on in the town hall [...] and I wanted them to get out of the meeting culture...’*

(Hilary Armstrong MP, former Minister for Local Government, 9th July 2008)

Whilst the removal of the group’s dominance was one of the ways to make decision-making more transparent, the plans afoot were reminiscent of Gyford’s (1976) concern that those who

argue that local government should not be encumbered by party politics are making *'what is essentially a prescriptive statement that there ought not to be politics in local government'* (1976, p.10).

The subsequent *Modern Local Government: In Touch with the People* (DETR, 1998b) White Paper argued that the committee-system led *'to inefficient and opaque decision making [and a situation where] significant decisions [were] taken behind closed doors by political groups or even a small group of key people within the majority group'* (1998b, p.18). A considerable problem highlighted was that people were often confused as to who was really making the decisions at a local level; *'people identify most readily with an individual, yet there is rarely any identifiable figure leading the local community'* (1998b, p.19). On the grounds of these two arguments the government advocated a separation of roles for councillors; of executive and backbench. The White Paper gave authorities three options³ for political management arrangements; a cabinet and leader model, a directly-elected mayor and cabinet or a directly-elected mayor with a council manager, the latter two requiring popular support in a referendum. The document argued that each of these would have the following advantages; efficiency, transparency and accountability. The new arrangements would be more efficient because a small executive could *'quickly, responsively and accurately meet the needs and aspirations of the community'* (1998b, p.19), the arrangements would also improve transparency because *'it would be clear to the public who is responsible for decisions'* (1998b, p.19), and the changes would also improve accountability because they would *'enable people to measure the executive's actions against the policies on which it was elected'* (1998b, p.19).

³ Excepting small district councils (< 85,000 pop.) and 'alternative arrangements' option

In 1999, the draft Bill, *Local Leadership, Local Choice* (DETR, 1999) stated that ‘*in all new forms of local governance – a council must set up one or more overview and scrutiny committee*’ (1999, para 3.15) with ‘*the same political balance as the full council [and] the same rules for public access as currently apply to committees*’ (1999, para 3.15). The committees would be required to ‘*consider and investigate broad policy issues [...] consider budget plans [...] provide advice to the executive [...] and review decisions taken by the executive and how it is implementing policy*’ (1999, para 3.19). To fulfil these tasks, the paper indicated that it would be ‘*helpful for some overview and scrutiny committees to be chaired by members of its minority parties*’ (1999, para 3.17). As a result of these new committees, councils would be ‘*able to address cross-cutting issues [and] make a key input to the policy development process*’ (1999, para 3.20). The following Local Government Act 2000 put these proposals into action and provided the necessary legislation for the executive and scrutiny split. Overwhelmingly councils opted for the blended separation of powers that gave the authority a cabinet and leader, the nearest possible construction to what had already developed in local government, whereas only a small minority of ‘*28 local authorities*’ (Stoker, 2004, p. 128) opted to hold referendums to initiate a directly-elected mayoral system, most of which subsequently failed to gain popular support leading to only ‘*eleven [with] support for a mayor*’ (Stoker, 2004, p.128). Large numbers of councillors could have been wary of the ‘*too many unknown (and conceivably negative) consequences for the members, particularly if they did not anticipate being involved in the elected mayor’s cabinet*’ (Leach, 2006, p.60).

The subsequent guidance, *New Council Constitutions: Guidance to English Authorities* (DETR, 2000), fleshed out some of the detail of how government expected local overview and scrutiny committees to operate. Central to this was the belief that overview and scrutiny

was essential to '*hold decision makers to account*' (2000, para 3.44) and to do so successfully required '*a change in the way members have traditionally questioned decisions*' (2000, para 3.44). The emphasis throughout the guidance was that it should be '*constructive and not merely there either always to oppose the executive or to rubber-stamp the executive's decisions*' (2000, para 3.30) and work on '*cross-cutting [issues] rather than narrow service-based [issues] about the conduct of local authority's business*' (2000, para 3.21). The Secretary of State strongly advised against such activities as using a party whip in relation to overview and scrutiny, thus also O&S preparatory group meetings, and reinforced that the committees should '*seek views from as many communities and interested parties as necessary to get a balanced picture of the effects of policy and executive decisions*' (2000, para 3.40). The zeitgeist was that overview and scrutiny was intended to be an evidence-based, rigorous new function that looked beyond the typical adversarial politics that often dominated authorities. In support of this, the guidance recommended that authorities should strongly consider the proposition that committees should be '*chaired by members outside the majority group or by [non-voting] church or parent governor representatives*' (2000, para 3.30) in order that '*thorough and informed reviews take place*' (2000, para 3.29).

The Impact of Change: The Consequences of the Legislation

The introduction of the legislation implied that the behaviour of groups needed to change and required a significant shift '*in political culture and approach for many members*' (Leach et al. 2002, p.74). However in subsequent implementation, the O&S function did not necessarily evolve into the chimerical vision of the guidance. The House of Commons Transport, Local Government and the Regions Select Committee investigated the early impact and found that despite being introduced to counteract '*closed-door*' group decision-making, the new structures had seen decisions '*continue to be made in private and [were] merely [being]*

“rubber stamped” or justified in public’ (House of Commons, 2002a, p.13). Evidence provided by groups argued that majority party non-executive members were not being as thorough in their role as others:

‘Administration group members do not truly see their role as holding the executive to account at select committee meetings, rather as one of defending cabinet members, decisions and stopping the opposition groups from embarrassing their administration.’
(Essex County Council Labour Group, LGA 35, House of Commons, 2002b)

Other evidence to the committee from the LGA Liberal Democrat group reported that scrutiny was often being used *‘as an opportunity to embarrass the administration or to raise issues that they can use for political campaigning purposes’* (2002b) and in some places there was a *‘fear of retribution [which was] preventing some non-executive members of [...] ruling groups from carrying out an effective scrutiny role’* (2002b). Furthermore it was reported that one of the reasons that the separation of powers was not working effectively was due to the small number of members:

*‘Local authorities have far less members than the House of Commons, [...] **Personal relationships between local authority members are much closer than in the House of Commons, making it more uncomfortable for members to challenge the executive.**’*
(House of Commons, 2002b)

Significantly, evidence commented on the availability of opportunities for political debate being numerous at central government level (opposition days, debates et al.) meaning that politics may, to some extent, be less evident in select committees, whereas in local

government, there were limited opportunities for the councillor's own political expression; hence the political may enter the fora in other ways. One of the arenas of holding to account the national government was Parliament, whereas in local government, 'full council' had not been developed in the legislation as a route for 'holding to account.'

Research published by OPDM soon after the publication of the select committee report, reinforced some of the findings relating to the group's difficult relationship with the new executive/scrutiny split. The research found that although there was '*little obvious evidence of a whip being imposed on O&S members for any of the parties*' (ODPM, 2002, p.74), they received comments such as;

'We don't have a whip in scrutiny, but the chief whip attends scrutiny meetings and reports back to the group on what people have done.'

(OPDM, 2002, p.74)

The ODPM report discovered that during the introduction and development of O&S, two distinct roles had been identified; that of policy development and scrutinising the executive. Whilst the first of these roles had been judged to be relatively successful, as committees meetings were '*freer and more flexible than [previous] committees*' (2002, p.75) and didn't require voting procedures, the second of these roles; of holding an executive to account proved to be more difficult. The idea of councillors of the same group criticising their own colleagues in public had created an accountability impasse, where scrutiny was still occurring in a concealed way. Whilst majority party non-executives may have been scrutinising the actions of their colleagues '*with real vigour and robustness*' (2002, p.76) this was happening behind closed doors. Due to this lack of public scrutiny, the Act was not fulfilling its intention

to make decision-making transparent as there was still a great '*temptation to revert to a strict adherence to group policy and to group cohesion*' (2002, p.76). It was summarised that members needed to find a balance between '*open, public deliberation in O&S settings, whilst maintaining a clear party identity and cohesive party approach to the conduct of council affairs*' (2002, p.74).

The ELGNCE team, conducting research for ODPM in 2003/2004 discovered that some groups were using a whip in relation to overview and scrutiny (ELGNCE 2004, p.50). Thirty-five percent of respondents also reported that pre-scrutiny party group meetings were held before committees (2004, p.50). Party group influence was also affecting the 'call-in' procedure granted to overview and scrutiny, which was often used relating to '*the adversarial competition between political parties*' (2004, p.9) and was used to '*create publicity and make political points*' (2004, p.9). Further to this, in authorities with a large majority, it was found that loyalties '*made the process of challenge to the executive problematic and difficult to sustain*' (2004, p.10). Ashworth (2003a) discovered that '*group affiliation was evident throughout meetings, often from the outset, with many members still choosing to sit and operate in [party] groups*' (2003a, p.20).

However, the research in this area had not focused on some of the supposed successes of overview and scrutiny in areas such as policy development, external and health scrutiny. There had been examples that demonstrated groups realising the benefits of scrutiny (CfPS 2004, 2006, 2007). However, intra-party loyalty and inter-party distrust could have stunted the development of the function. As Copus (1999) prophesised, councillors may have viewed the introduced function 'at odds' with their conception of party membership and feared that

by disobeying orders it was *'at best disloyal to the party, and at worst a betrayal of the group and the individual's beliefs sustaining his or her party membership'* (1999, p.320).

Summary

From the advent of more intense politicisation along with the development of rules regulating group cohesion, party groups within authorities demonstrate that they possess and achieve goals through appropriate organisation. In similarity to state-level parties, collectivity and cohesion have been and continue to be valued by the major parties in local government as they are by the parties at a state-level. In the development of the legislation, there was a clear signal from above that decision-making needed to become more transparent and accountable and to do so it required fundamental change in the operations of 'closed-door' party groups. However, early examination of the introduction of political executives had begun to unravel the consequences of the legislation. Where central government expected evidence-based deliberation and rigorous cross-party review, there were initial indications that councillors were experiencing fear of group retribution, rubber-stamping and whipping. Crucially, some groups were using overview and scrutiny as a new arena for political competition. The next chapter thus assesses the usefulness of the academic literature on the consequences of the legislation and seeks to draw out the gaps in the literature which make the understanding of the results of the legislation, relating to party groups, unsatisfactory.

Chapter Five: O&S Literature Review & Thesis Research Methods

Quantitative Research into Effects of the Local Government Act 2000

In the research conducted on the operation of party politics in English local government since the introduction of the Act, a small amount of an already minutissimic¹ literature has focused on quantitative studies; with the rest devoted to case study research in early piloting and usually highly rated, self-selected, potentially officer-dominated authorities (Cole, 2001, Snape & Dobbs, 2003, Sandford, 2006, Hopkins, 2007). One of the largest and most well known attempts at a quantitative analysis of the implementation of the act was commissioned in the 2002-2005 project: *Evaluating Local Governance: New Constitutions and Ethics* (ELGNCE) a five-year research project, instigated by the Office of the Deputy Prime Minister.

The project began with an initial 2002 census, which was repeated in 2006, and was conducted with ‘*all English local authority chief executives, posing questions about the organisation of the local constitutions [...] and the arrangements for scrutiny*’ (2002, p.8). Whilst the response rate was high; 75% of English local authorities, the nature of the questions within the survey raised serious questions about the validity of the initial research. For example, the research asked questions to chief executives about how the new arrangements had worked in relation to overview and scrutiny such as ‘*are party pre-meetings held prior to committees?*’ and ‘*are decisions subject to party whip?*’ (2002, p.88). Whilst chief executives would invariably be in contact with the members of an authority, it is not their role to be involved in the operation or organisation of groups, thus asking questions about whether group meetings took place before overview and scrutiny committee meetings may have been ineffectual. The results from the 2002 census showed that over 16% did not know whether group meetings were held. Further to this, asking chief executives about groups

¹ Meaning ‘*extremely minute; tiny*’ (OED 2010)

applying a whip to issues in overview and scrutiny was clearly only applicable to a small number of chief executives who were either allowed into group meetings, which are usually restricted to group members or party members alone, or received *ad hoc* information from attendees or leaders, who would be under no obligation to divulge such information. In relation to whipping, the results from the 2002 census showed that 30% of chief executives did not know whether whipping took place in overview and scrutiny. To then conclude that *'scrutiny [...] appears too dominated by party politics [...] and in one in ten councils the practice of whipping in scrutiny committees was openly admitted'* (2002, p.70) on the basis of chief executives' partial information or assumptions seemed hasty and myopic.

In the subsequent sample survey conducted by ELGNCE both in 2003 and 2005, whilst questions were more appropriately directed towards members rather than chief executives, a more serious issue of question design, equally problematic in the census, made eliciting any firm conclusions from the research difficult. For example, in the sample survey the following question was used; **'35a Are party meetings held prior to overview and scrutiny committees?'** (2006, p.90). In this instance, whilst it is useful to understand whether groups are gathering before overview and scrutiny, the question on its own does not press for what purpose the meetings are held. In any given response, a member may have reported a pre-O&S group meeting but this may have been because it was a general meeting, a way to remind members what is on the agenda or as an arena to discuss other business. Rather than eliciting the answer that the research was looking for; that pre-O&S group meetings may be taking place to cajole a consensus on an item, the question merely asks whether the party had met prior to the meeting with no consideration for content.

In the subsequent question, the sample survey asks respondents the following ‘*35b If so, are party whips applied?*’ (2006, p.91). In this case, the questionnaire design had made this question conditional on a positive answer in the previous question which meant that the research took the stance that if there were no group meetings there could be no whipping. Whilst arguably the majority of whipping of O&S could take place in pre-O&S group meetings, whipping and group meetings are independent incidences and the whipping of members does not necessarily entail the pre-requisite of a group meeting before a committee. Interestingly, the questioning in the census prior and subsequent to the sample surveys did not assume that whipping was conditional on the occurrence of group meetings.

More significantly for the research, the concept of whipping in both the sample and census survey was defined in a very narrow way, especially given the conclusions in the research. For example, whipping may be mostly thought of in a Westminster-sense where members are instructed to vote in a certain way by a whip and there are various levels of seriousness with which to take the instruction; such as the mandatory *three-line-whip*. Whilst whipping can be thought of as an explicit instruction, as at Westminster, there is also an implicit whip, where members are simply expected to fall in line with instructions rather than being given an ultimatum to do so. Taking a consensus in a pre-O&S group meeting and agreeing to stick to this within the public sphere of the committee is a form of implicit, rather than explicit, whip and the rudimentary classification of a ‘whip’ could not have given a clear picture of group involvement within O&S.

In combination with the census and sample quantitative research, the ELGNCE project also undertook supplementary qualitative research in the form of groups of case studies which more readily influenced the conclusions in their final evaluation report (ELGNCE, 2007). Yet

in conclusions throughout the project,² far more emphasis was put on the results of questions where both the design and methods used were fundamentally flawed. As an attempt at a longitudinal continuation of the research, the Centre for Public Scrutiny (Ewbank, 2007), an advocate of overview and scrutiny, undertook a small scale replication of some of the quantitative research used within the ELGNCE project. Ewbank (2007) found that whilst the nominal results remained quite similar to that which was found three years previous, councillors responding to the study had indeed misunderstood the nature of some questions. However in the replication of the ELGNCE research, the survey provided qualitative probes for respondents to explain their answers and thus discover how respondents were interpreting the questions. One notable flaw was the respondents' response to the replicated ELGNCE question of '*Are party meetings held prior to overview and scrutiny committees, and are party whips applied?*' (2004, p.113). Whilst some councillors may have answered on behalf of their own party, a significant number of respondents answered the question positively on behalf of other parties – '*I believe the [X] do. I imagine that they do this in order to decide the issues in advance*' (Ewbank, 2007, p.5), '*I suspect that this may happen but I have no direct evidence*' (Ewbank, 2007, p.5) or '*only the majority party apply whips. Reasons include saving face [or] preventing items getting to scrutiny*' (Ewbank, 2007, p.6). Whilst the numbers of reported comments indicating the respondent had answered (or estimated) on behalf of their authority rather than on the basis of their own party's behaviour may not have constituted all of the responses generated, it was clear that the ELGNCE and thus the replication questions were not generating accurate responses to match their original intention. This error of asking about behaviour in local authorities and receiving responses on behalf of a whole council meant the overbroad research undertaken by ELGNCE and CfPS had a limited application when answering how parties had responded to the change.

² In reports and issue papers

A more systematic quantitative examination of the group's relationship with overview and scrutiny was provided by Ashworth's (2003b) study of Welsh authorities subject to the same legislation. Using a five-point framework looking at '*successful scrutiny*' (2003b, p.6) rather than the party relationship alone, the presence of '*one-party dominance*' (2003b, p.6) in the operation of the O&S function was understandably seen to have a negative impact on the possibility of attaining the legislation's intention. Variables that made up the party relationship category included chairs being appointed from the opposition, the system of nominating chairs of the O&S committees, the balance and composition of each committee, the utilisation of a whip to control members and the involvement of those outside the authority (2003b, p.6, Table 1).

Questions relating to the variables appeared more clearly defined than the ELGNCE study; including a thorough examination of how chairs and members of O&S were appointed. For example, results showed that for both members and chairpersonships, almost three-quarters were appointed by their own party group (2003b, p.11). It was also clear from the research that almost all appointments to O&S in Wales were through the means of the group or its leadership. Other questions about the group's relationship with O&S were considerably vaguer and open to interpretation; for example, Ashworth (2003b) echoes the lack of specificity of the ELGNCE research by asking '*Is the party whip applied to scrutiny operations?*' (2003b, p.11), again failing to acknowledge the complexity of the construction of whipping as a term and not personalising the question to the respondent's own party. Another less important question used to evaluate one-party dominance was asking respondents whether '*non-councillors [had] been appointed to scrutiny committees*' (2003b, p.11) which as a question within the variable has, perhaps, less to do with the group and more

to do with officer involvement in the function. However, the quantitative work conducted with Welsh local authorities by Ashworth was more systematic than that of ELGNCE and the formulation of a larger variable of *party domination* broken down into sub-questions was a more appropriate approach.

Qualitative Research into Effects of the Local Government Act 2000

The research already undertaken on O&S since the Act has been primarily based around a limited number of case studies. Whilst this is certainly not an inherently unsatisfactory route to take; the focus of research has been almost exclusively on a small number of cases. The research undertaken for this thesis involves in-depth case studies as part of a mixed methods approach and it is necessary to look at the conduct of these examples to understand the explanatory value and limits of this method of research.

One of the first case study approaches to the impact of the legislation was conducted by Cole (2001) who selected Devon County as the focus of the research. The case preference was an information-oriented selection based on the idea that Devon '*had an obvious commitment to the modernising agenda*' (2001, p.20) and '*established a reputation as an innovative authority [...] with a reputation for openness*' (2001, p.20). In this sense, Devon was a strategic choice of a critical case where the purpose was '*to see whether scrutiny could become effective given favourable circumstances*' (2001, p.20). This is the case study selection idea that '*if [the hypothesis] is not valid in this case, then it applies to no cases*' (Flyvbjerg, 2006, p.230). The practical element of the case study involved interviewing 52 out of the 54 councillors of the council using semi-structured interviews relating to five groups of questioning and whether they supported the changes. These questioning groups included:

‘...the decision-making process, the availability of information about the council, the impact and operation of the scrutiny committees and the proposition that the changes gave members more time to represent their electoral division.’

(2001, p.25)

The conclusions of the study were confirmatory of hypotheses about the result of the separation of powers such as the strength of the party group as an impediment to effective scrutiny, information not being easily accessible, councillors feeling excluded from the decision-making process, the split between scrutiny and policy overview being problematic and a fewer opportunities for councillors to represent their constituents.

However, there are some issues with this single-case study format and about how it reached its conclusions. Firstly, the basis of selecting a case as a ‘critical case’ was somewhat flawed when Devon was chosen as one of the *most likely* to succeed authorities on the basis of the somewhat arbitrary, mostly officer-focused, judgements of an external agency. With hindsight, some authorities around the country did make scrutiny ‘succeed’ and Devon had clearly not managed to do so based on this evidence; thus drawing out any conclusions about the situations in other authorities would be invalid. A more elementary point would be that local government and its functions are highly variegated and a study of a county council may not have much explanatory value in respect to scrutiny’s success at other authorities. Secondly, the specific questioning groups used in the semi-structured interviews were somewhat skewed to the aims of the researcher. For example, the questioning groups may have led councillors, who were probably hostile to the changes, to acquiesce with the interviewer about the flaws. The fundamental problem was that the question groups were based on identifiable problems which might have then confirmed their existence rather than exploring the details of their

operation. A more thorough approach would have required a less structured interview process based on actual events, in order that councillors did not serve as mere confirmation of estimations. The third issue with this case study is that the researcher attempts to classify respondents as either '*supporters, sceptics and opponents*' (2001, p.25) of change. Whilst typologies are helpful in some instances, the classificatory system adopted here seems to add nothing to the research; where the dominant majority group supported the changes and the opposition opposed. Thus using a classificatory system instead of the clearer explanation was unnecessary.

Whilst the Cole (2001) study wasn't intended to develop theory but simply test prior hypotheses in an early adopting authority, an investigation conducted by Sandford (2006) took a comparative approach of the operation of O&S across three English county councils. The research aimed to accomplish '*a qualitative understanding of the nature of the scrutiny process across different local authorities*' (2006, 935). Whilst part of a wider study of nine local authorities, the first major problem with the qualitative research was the method of case selection. The Sandford (2006) research sent letters to each English authority to ask whether they would be willing to '*participate in the research (at no financial cost to them)*' (2006, p. 935). Given that this method of case selection results in self-selection, there would have been a high probability that the cases chosen would have officers or members who were very interested in the development of scrutiny or had taken a '*strong lead in establishing [the] political management structures*' (2006, p.935). Though, understandably, Sandford acknowledged that willingness was based on self-selectors having an interest '*in creative thinking [...] to make the scrutiny function work well*' (2006, p.935). Thus despite the interest shown towards the research, the authorities could either have been successful in the implementation of O&S or required additional guidance with no associated cost. Either way,

the respective officers and members will have been particularly invested in improving scrutiny in order to accept the invitation.

From a research design perspective, self-selection is not an adequate strategy for incorporating case studies into a research project. It would have been more appropriate to select cases by either, at the very worst, a random / stratified sample or, at best, based on information known about potential cases. Flyvbjerg (2006) argues that information-orientated selection results in a deeper insight than that of random or stratified samples as;

'...atypical or extreme cases often reveal more information because they activate more actors and more basic mechanisms in the situation studies. [...] From both an understanding-orientated and an action-orientated perspective, it is often more important to clarify the deeper causes behind a given problem [...] than describing symptoms of the problem and how frequently they occur.'

(2006, p.229)

Another concern with the research was that the researchers focused on interviewing officers and members that were suggested to them by the *'lead scrutiny officer'* (2006, p.935). Whilst the use of snowball sampling is useful in difficult research arenas such as intravenous drug users or attendees at a political protest where respondents are unknown, the use of snowball sampling in authorities, where the positions of employees and members are known or obtainable, is perhaps less useful. The result of sampling in this way is that respondents could give a certain depiction of the work, focusing on key individuals who could verify and provide confirmatory responses. Erickson (1979) argues that snowball sampling in this way can lead to *'bias [...] introduced through the demands that the snowball procedure makes on*

the respondents' (1979, p.28) which in this case could reflect a need for the officer to provide information on suitable respondents who would agree about the situation in the authority. From a wider perspective of what the research aimed to attain, the research focuses on three of the case studies; Kent, Durham and Cornwall taken from nine case studies. Given that the research intention was to assess the scrutiny function '*across different local authorities*' (2006, 935), it seems unusual for the researcher to then focus only on three **county** councils, which, as upper-tier organisations, are a small fraction of local government.

More significantly, the content of the research, assessing how the 'cultures' shaped the function in authorities, is separated into topics: structures, officer support, call-ins and asking questions. Whilst these topics would certainly gain an insight as to how the culture of local government had affected O&S, they are limited in scope. For example, additional relevant topics could have included the setting of the O&S work programme, the nomination of positions in the function, the number of meetings, party group meetings and the influence of O&S on the work of the authority. The limited scope may have led the researcher to support other research by concluding that '*scrutiny had both maintained important elements of the old committee system [...] and [had] evolved dialectically with the local political culture*' (2006, p.941) on the basis of limited case study research.

One of the more in-depth studies of the topic and the antithetical research to this project was conducted by Hopkins (2007), in a mainly qualitative doctoral research project on how majority party groups affect O&S (*rather than the aim of this project, which is assessing the impact of O&S on parties.*). The case-study selection was relatively unproblematic apart from its geographic scope (which was restricted by the funding) but which also led the researcher to interview members within the same authority at which the researcher was employed. Whilst

this made the research process much easier in practice, the researcher acknowledged the difficulties associated with a council officer conducting a study with members of the same authority:

'...the elected members might be wary of participating [...] since someone whom they work alongside within [O&S] would then know their views on the process.'

(2007, p. 109)

However this problem was only a difficulty in one case study of a wider investigation. More concerning was the method with which respondents were selected for interviewing. Despite the phenomenological approach to the research and the aim to *'capture the process of interpretation'* (2007, p.84), the element of selecting cases to interview on the principle that they would give *'rich information'* (2007, p.112) and *'hold strong opinions'* (2007, p.122) could have undermined the research. For example, members were only selected to take part on the basis of likelihood that they would provide strong opinions about the topic, yet without pre-interviewing the respondents beforehand it is difficult to claim that those without alleged *'strong opinions'* do not actually have *'strong opinions'* on the topic and vice versa. Thus selection could focus on vocal dissenters or respondents who more regularly express their views. Worse still, the inherent snowballing of the sample when potentially discovering who had strong opinions could lead to a *'bias towards more cooperative subjects'* (Erickson, 1979, p. 283) which would have a negative impact on the roundedness of the data.

Research Project: A Mixed-Methods Approach

Within this empirical work, solely relying on quantitative research or exclusively by means of qualitative work would not have given a complete understanding of the set of problems under consideration, especially in such an extensive piece of research. In combining the two approaches in mixed-methods research, entirely compatible with a rational-choice institutionalist approach, this thesis aims to gather as much data as feasibly achievable to confidently give representative conclusions about group behaviour (through quantitative work) and models of the possible behaviour of groups (through quantitative and qualitative work.) Through this use of methodological triangulation or '*the use of different data collection strategies using Quan and Qual sources in the same study*' (Teddlie & Tashakkori, 2009, p.237), the research aims to combine the benefits of both approaches which gives the benefit of more clarity about the thesis research questions.

Quantitative research into the impact of O&S on the Party Group

Unlike the studies previously conducted, this research focuses on the reaction of the group given the new institutional consideration of overview and scrutiny. Hypothesising that variables relating to organisational complexity, the centralisation of power and the distribution of power will have changed in a certain direction as a result of the Local Government Act 2000; it is necessary to quantitatively examine whether this has been the case. Through means of a sample survey of party councillors involved in overview and scrutiny, easily measured variables such as the frequency of group meetings, the frequency of control over councillor communication and occurrences of punitive discipline can be discovered.

Questionnaire Design: Variable-Orientated Approach

One of the most important aspects of this research was the design of the quantitative survey research to be undertaken. Without well-constructed, relevant questioning in the questionnaire format, the results obtained, regardless of the response rate or representativeness of the sample, could have been immaterial for the wider research into group behaviour since the separation of powers. The questions within the councillor survey related to the amended selection of Harmel, Janda, Tan & Yeo's (1995) variables of party change which have been previously highlighted as the focus of this research. Of these, the survey examined party group meetings, preclusory discipline, the cohibition of individual councillor communication, the administration of castigative discipline and the allocation of positions. The variables relating to the pervasiveness of the organisations and the centralisation of policy formulation were not suited to quantitative analysis in this way. Each of these variables relate to sets of questions within the survey; though these sets do not run concurrently within the questionnaire and some questions straddle more than one variable. The final survey sent to councillors is presented as **APPENDIX A**.

VI: Local party group meetings

There were two questions within the questionnaire associated with this variable. The first, **Q3.1**, asked respondents whether they had attended group meetings which exclusively dealt with agendas of forthcoming overview and scrutiny committee meetings. Respondents chose from ordinal levels from '*all of the time*' to '*on one occasion*' or answered in the negative '*never*.' This question sought to assess the frequency of group meetings relating specifically to overview and scrutiny committees; regardless of whether they were held immediately prior to committees.

Q3.2 asked respondents if any regular group meetings devoted a portion of time to the agenda of subsequent overview and scrutiny committees. This question gave respondents a number of time allocations from ‘*up to 5 minutes*’ to ‘*up to about an hour and over*’ reflecting how long the group spoke about upcoming O&S agendas. The question sought to assess amounts of organisational focus there was prior to scrutiny committees (i.e. potentially gaining a group consensus and / or subsequently agreeing a party line) in respect to how the groups approached overview and scrutiny.

The third question, a routed / branch question, relating to this variable was **Q4.1** which asked respondents, who had served before the introduction of the Local Government Act 2000, whether they had experienced more or fewer group meetings since the introduction. This question sought to discover whether party groups had intensified or relaxed the number of meetings pre- and post- the Act.

V4: Preclusory Discipline

Q3.3 & Q3.4 asked respondents if they had ever received informal pressure (Q3.3) from their group leader(s) or party whips about things under consideration by O&S committees or an explicit whip (Q3.4) about issues under consideration. Respondents chose from ordinal levels as in **Q3.1** or answered in the negative. These questions sought to split the previously monolithic conception of whipping (ELGNCE 2002, 2006, 2007 and Ashworth 2003) into two separate categories; that of **informal pressure**, as evidence of implicit whipping and **definite explicit whipping**.

Branch questions (**Q4.4a**) and (**Q4.4b**) offered respondents a chance to judge the organisational control that the party group had had over its members under both the

committee system and the newer political arrangements. The question offered a Likert scale of agreement from 1 (meaning absolutely *no control*) through to 7 (meaning *absolute complete control*.) The reason for a *seven* point scale was firstly, to increase the amount of cognitive effort required in answering and secondly, to provide a scale with sufficient options; as previous research has showed that '*where a multi scale with more response options was administered, respondents did use more response options*' (Dawes, 2007, p.75).

V5: Cohibition of individual councillor communication

Q3.5 asked respondents if they had ever been briefed by their group about conduct in O&S committees. The options included different occasions in a closed question format such as '*Yes, when the system was first introduced*' or '*Yes, when elections were due*' or '*No, never*' with an open response for specifying another occasion. This question sought to examine the possibility of any group controls over O&S in relation to various points in time, rather than as a continuous expression of a party group controlling communication (e.g. *constant whipping*). For example, the group may have briefed candidates about O&S and the party's own expectations of behaviour within the function and then this issue would have been dealt with and would not have needed to be broached again.

Another set of questions dealt with the relationship between the group and councillor communication; relating specifically to whether councillors criticised decisions made by their party group in a public sphere (**Q3.7**) and private sphere (**Q3.8**). Whilst criticising decisions made by the group within the confines of the group (**Q3.8**) is less significant to this study, the question provided a comparator to whether councillors criticised group decisions in a public sphere (**Q3.7**). By contrasting the difference, one could establish whether restraint was used in public.

The branch question relating to this variable (**Q4.2**) asked respondents, who had served both before and after the Act, whether they had felt more or less comfortable in criticising their own party leadership in public since the legislation's introduction. This question sought to ascertain whether members who had served as a councillor before the Act had noticed any change in the tolerance of the group relating to how, and if, councillors criticised their own party in public.

V6: Administration of Castigative Discipline

It was important to quantitatively measure the occurrence of the administration of castigative discipline with individual councillors; used in relation to speaking in public and overview and scrutiny conditions. **Q3.6** asked respondents whether they had ever been disciplined as a result of their actions in O&S committees. The response set was closed-ended and gave respondents a number of options of when this might have happened to them; such as '*Yes, when the subject was controversial*' or '*Yes, when the press / public were going to be there*' in addition to '*No, never.*' The question also gave respondents a chance to elaborate if they could not choose an appropriate answer. The subsequent branch question, **Q3.61**, asked respondents who had experienced discipline in **Q3.6** what was the nature and extent of the party discipline; again using a series of closed-ended responses which covered the possibilities. Responses offered for **Q3.61** were staged by level of severity and included options such as '*Received an informal warning from the party*' or '*Removed from an appointment*' or '*None of these options.*' **Q3.61** was replicated in **Q3.71** which asked what type of castigative discipline had been used in response to general public criticism (not just within overview and scrutiny) which had been aired by respondents in **Q3.7** (*see previous variable*).

The branch question **Q4.3**, for respondents who had served before the Act, asked whether they believed there had been more or less (castigative) discipline used to control members of their party. This question sought to discover the respondent's relative calculations of castigative discipline used by their own party in their authority both post- and pre- the Act.

V7: Allocation of Positions

Questions about the allocation of positions in overview and scrutiny formed *section two* of the questionnaire. **Q2.1**, **Q2.2** and **Q2.3** asked respondents how many O&S committees they personally sat on, how many of these were chaired by the majority party and how many of these were chaired by the opposition. This group of questions aimed to assess the proportion of committee chairpersonships that were taken by majority parties alone in comparison to opposition parties. The second set of questions asked whether respondents were chairs or vice-chairs of their committees (**Q2.4**) and if so, how they achieved that position (**Q2.5**). These questions sought to assess how groups influenced the helms of the overview O&S committees; whether by nominating chairs from their party alone, from full council or by committee.

Natural Loyalty

The final section of the survey along with two questions in section three were designed to be very distinct from the rest of the survey and gave six different hypothetical statements in the form of quotations to ascertain the natural loyalty inherent within the blended separation of powers to provide confirmation that groups might have needed to act. One statement corresponded to the legislation's intention and the other five statements related to Strøm's (1990) policy, office or votes trade-off and asked the respondent whether they agreed or disagreed with each course of action using a Likert-scale of agreement beneath each. The

question offered a scale of agreement from 1 (meaning the respondent *completely* disagrees) through to 7 (meaning the respondent *completely* agrees.)

Whilst it was difficult to accurately portray the motivation for each of Strøm's goals and that of the legislation's intention in a single hypothetical councillor action, the statements in these questions related to a simplified situation, purposely exaggerated with extremes for clarity, which corresponded to each goal or motivation. For example, **Q5.11** indicated Strøm's vote-seeking goal in a local government setting:

'If there is a problem in my ward that has been caused by a decision made by my own party, I would contact my group leader(s) to express my serious concern and try and work out a solution. There's no point giving the opposition ammunition by opening up such a simple thing to wider debate!'

The example above highlighted a councillor's proactive role of internalising of issues that could be effectively dealt with by officers or the council as a whole. The concept that the councillor would turn towards the group when faced with a problem for fear of *future electoral competition* indicated that the councillor would have acted in a vote-seeking or vote-maximising manner. In this manner, the research aimed to assess how relevant Strøm's national party theory could be to local groups. **Q5.12** gave a statement relating to the legislation's intention of more accountable local government, willing to work cross-party to achieve scrutiny of decisions and falling outside the scope of Strøm's party goal trade-offs:

'If one of my constituents contacted me about a problem that they had encountered and it seemed like a sensible topic for an overview and scrutiny investigation, I would try and raise the item in overview and scrutiny first rather than taking it to my party.'

This question sought to commit respondents to either agree or disagree on one of the fundamental intentions behind the Act; of removing the party group as a leviathanesque decision-maker. The hypothetical situation given in **Q5.12** was an example of how central government had envisaged the implementation of the legislation. **Q5.13** and **Q5.14** dealt with further hypothetical situations for councillors which directly related to Strøm's policy-seeking goal and office-seeking goal respectively.

Q3.9 and **Q3.10** gave two similar hypothetical situation statements relating to 'concerns' rather than intended actions. **Q3.9** specifically related to the respondent being concerned about censorship:

'I would be concerned about the consequences of criticising my own party in public; in relation to my position within my local party group.'

This question examined the concern for **careerist self-censorship** and sought to understand the motivations behind the reluctance to criticise group decisions in public. **Q3.10** similarly sought to understand whether respondents were sufficiently concerned to prevent them from criticising their party for the reason of vote-maintenance at elections. **Q3.9** and **Q3.10** also served as confirmation of respondent reluctance to operate in public without any regard for the group.

Questionnaire Screening: Councillor Profiles

The first section of the survey dealt with the profiles of individual councillors, their party (**Q1.3**), their type of council (**Q1.2**), the political balance of their authority (**Q1.8**) and the context of their party group with this (**Q1.5, Q1.6**). The first section gave respondents an opportunity to correct any mistakes in sample collection, subsequently self-screen out of the

research and provide the independent variables for statistical testing. Due to the five month length of the survey research process, councillor profiles inevitably changed and the inclusion of prefatory screening questions enabled the research to be updated with councillor information that could otherwise have jeopardised the quality of the survey responses.

Questionnaire Methods

The sampling frame for the survey used in this research included councillors in English authorities, operating under the cabinet and leader model or *alternative arrangements*, who were members of at least one overview and scrutiny committee at the time the sample was constituted. There were requirements that the population from which the sample would be selected should only include elected members who represented one of the three main parties (Conservative, Labour and Liberal Democrat) for the sake of substantive comparative analysis and a further requirement that they should not be group leaders or whips³ who principally made the decisions that the questionnaire sought to discover. The clear definitions of within and outside the sampling frame is given in **Table 5.1** below.

³ Whilst it was the initial intention to screen out **party group whips** from the study, public information on these positions was patchy (due to either informality or being intentionally hidden) and was almost impossible to do in an effective way. Group whips are typically subject to the discretion and control of party group leadership(s) – thus their inclusion in the sample, however low the number, would not be a problem.

Eligible Councillors (Within the sample)	Ineligible / Screened Councillors (Outside Sample)
Member of <i>at least</i> one overview and scrutiny committee	Member of <i>no</i> overview and scrutiny committees
Member of the <i>Conservative, Labour or Liberal Democrat</i> Party	Member of <i>Small Parties, Independents and Resident's Associations</i>
Not a member of a governing cabinet (<i>automatic from first characteristic</i>)	A member of a governing cabinet
Not a party group leader (or deputy)	A party group leader (or deputy)

Table 5.1: Sampling frame eligibility across English local authorities.

At the time of the analysis, a number of new local authorities had been created and a more substantial number dismantled as a result of reorganisation. As a result of this, these fifty-three authorities were removed from the sampling frame due to their recent creation or demise. Further exceptions to the frame included two atypical authorities (*City of London* and *Isles of Scilly*) whose activity or scope fell out of the parameters needed to conduct survey research. The only other authorities removed from the sampling frame were those ten⁴ that opted for the directly-elected mayor option as offered by legislation. The removal of these mayoral councils reflected the unfeasibility of comparative analysis due to the dominance of the cabinet and leader model.

Survey Sample & Administration

From the remaining 332 English local authorities in the sampling frame, a representative twenty-percent sample was taken using stratified random sampling in order to purposely weight the sample according to populations of English government regions; leaving 67 authorities in the survey sample as outlined in the table below. This weighting according to population of government region combined with a high 20% sample of English local

⁴ Previously **eleven** authorities had opted for this arrangement.

authorities enabled the sample to be more representative of all experiences across English councils; without which the sample would have disproportionately been balanced in favour of lower-tier authorities.

<i>Local Government Region</i>	<i>Population as %</i>	<i>Weighted Requirement of Local Auths.</i>
South East of England	16%	11
London	15%	10
North West England	14%	9
East of England	11%	7
West Midlands	11%	7
Yorkshire & the Humber	10%	7
South West	10%	7
East Midlands	8%	6
North East	5%	3
<i>England</i>	100%	67

Table 5.2: Sample Weights for the Survey

The questionnaire was paper-based and delivered via the post primarily due to the relative age of respondents in comparison to the rest of the population. Recent research discovered that the ‘average age of councillors in England is 58.3 years, which is itself a significant increase since ten years ago when it was 55.4’ (Councillors Commission, 2007), thus postal surveys were used to maximise representativeness and also ensure those without access to the internet in rural areas were able to access the research. Whilst the survey was sent via post to councillors, an option was given for self-completion on an internet-based questionnaire. This multi- return approach proved useful for those unwilling to expend the extra effort of returning surveys and enabled automatically generated emails to provide immediate response-rate increases. Further to these two methods, in order to broaden access to the survey for those

with physical difficulties, the research offered respondents an opportunity to conduct their survey responses over the telephone, though no respondents had need for this option.

Response Rate

1684 councillors were eligible to take part, 871 of which responded to the survey, giving an extremely high **51.72%** response rate despite the context of relatively low returns from councillor postal surveys (Ashworth 2003b: **37%**). The principal explanation for the unusually high response rate was that the questionnaires were given a series of unique reference numbers (**URNs**) to document the progress of completed scripts. Each survey had an **URN** attached; of which the first six digits expressed a council (e.g. 101566 - Chesterfield) and the latter two represented the councillor (e.g. 101566/**12**). On return, either via the post or online, the tracking numbers then allowed the removal of the councillor from reminders via post and email. Thus non-respondents were easily distinguishable and followed up on an individual basis. The method ensured that previous respondents were not given superfluous contact as an externality of chasing up non-respondents and also enabled emails to be sent out requesting action.

Qualitative research into the impact of O&S on the Party Group

This research project is specifically about the impact of the separation of powers on the party group in English local government and is thus markedly different from the function-based qualitative approaches seen above. Whilst researching the success or failure of the overview and scrutiny function has been the primary aim of most studies undertaken in the field thus far, this project had the more difficult aim of assessing possible changes to the approaches of party groups.

Hypothesising that groups will have changed their approach to business, it was crucial to supplement the quantitative research reporting on technical considerations, such as group meetings, frequency of types of whipping and preclusory / castigative discipline, with a more complementary (and confirmatory) approach by understanding how these technical aspects exist and how they were given context. Moreover, two of Harmel, Janda, Tan & Yeo's (1995) variables of party change related to practically unquantifiable characteristics of the group which needed some form of exploratory investigation. The variable of '*pervasiveness of organisation*' referred to a group's level of presence in various arenas and the variable of '*centralisation of policy formulation*' referred to the amount of discretion given over to individual councillors in decision-making. Both of these variables did not lend themselves to quantitative analysis, yet required assessment.

Case Study Approach & Design

The most practical method of qualitative research of the behaviour of groups would be the case study. The benefit of a small-N case study approach is that the results of the quantitative work can be explored much further. The idea that quantitative research can give broad extrapolative theories is misguided without exploring the context of practical application:

'Predictive theories and universals cannot be found in the study of human affairs. Concrete, context-dependent knowledge is, therefore, more valuable than the vain search for predictive theories and universals.'

(Flyvbjerg, 2006, p.224)

Given that the quantitative research in this project was firmly, but purposively, separated into classificatory variables which have previously been used to analyse the behaviour of groups,

the answers to the research questions are rooted into these blocks and ‘*almost the entire dialogue of ideas and evidence occurs through variables*’ (1992, p.225). To fully understand the issues at stake, it was crucial to appreciate the circumstances of how variables were applied on the ground: ‘*the most advanced form of understanding is achieved when researchers place themselves within the context being studied*’ (Flyvbjerg, 2006, p.236).

Methods of Case Selection

Whereas previous case studies in this area have focused on critical cases (Cole, 2001), non-random self-selection (Sandford, 2006) and geographic and funding convenience selection (Hopkins, 2007), the case studies in this project aimed to assess the fundamental research questions about the impact of the separation of powers on groups along with an identification and explanation of the information unobtainable in survey research. Given the unit of analysis under observation (the party group), the three largest English parties that possessed sufficient numbers of councillors to be quantitatively researched made the identification of cases for examination much easier. For example, *a single-case study*, whilst potentially providing a compelling narrative, would not fulfil the ambition of exploring how each major political party has responded to the institutional environment. Due to the fact that each party in one authority would be in operating in one role, its behaviour could only be explored and evaluated on this position (i.e. a single case study might show Conservatives in administration, Labour as largest opposition and LD as fringe opposition.) Along with this understanding that there needed to be more than one case study, the selection also required sufficient differences on the independent variables which needed to be tested.

The type of case selection that was most relevant to this research was therefore an ‘*information-orientated selection [based on] maximum variation cases*’ (Flyvbjerg, 2006,

p.230). Given that this project is looking at the operation of the party group since a change in environment (t+X), it was necessary to select cases that were sufficiently different from each other to assess the:

‘...significance of various circumstances for case process and outcome (e.g. three to four cases that are very different on one dimension: size, form of organisation, location, budget.’

(Flyvbjerg, 2006, p. 230)

In this project the (independent) variables distinguish sufficient differences across authorities to enable an overview of party roles in as few as four cases, given that location does not form part of the research question but is nonetheless a wise consideration in the heterogeneous arena:

Political Party	Function / Type of Council	Political Balance	Geographic Locations	
Conservative Party	County Council (Upper-tier)	Party Majority Administration	North West	South East
Labour Party	District / Borough Council (Lower-tier)	Party Minority Administration (NOC)	North East	South West
Liberal Democrat Party	Unitary / Metropolitan Borough Council (Single-tier)	Party Coalition (due to NOC)	Yorkshire & Humber	East Midlands
			London	West Midlands
			East of England	

Table 5.3: Choices for Case Study Authorities

As such, four case studies were chosen across the differences (Table 5.3) such as majority political party, type of council, the political balance and geographic location.

Case Selection

In choosing the cases in an electoral cycle where Conservative were at their most dominant in many years with 9522 councillors to Labour's 4442 and the Liberal Democrat's 4083 (figures from Edkins, 2010), the selection of appropriate authorities was inherently difficult for a project where *group* behaviour was the focus. Paramount amongst concerns was the ability to source councils with substantial Labour and Liberal Democrat majorities or a low numbers of Conservatives. Initially it was necessary to remove the sixty-seven councils previously included in the survey from the list of potential local authorities, as at best there would be research fatigue affecting willingness to cooperate or at worst and more significantly, knowledge of the research and its party-focus would have coloured respondent's views. Secondly, it was prudent to remove councils that did not numerically fit the brief about the operation of the three main party groups; thus councils with substantial non-mainstream or localised parties were removed from the sample. From here, councils were divided by function (tier and type) and political balance and subsequently four cases were chosen that best gave different circumstances which reflected static situations of political competition for each of the three main parties. Geographic location, as the least important consideration, was the final concern in selection. Below is the table of cases chosen, with appropriate replacement names to identify the councils throughout. Individual councils were contacted through officers to check dates of a sufficient number of O&S observations and to confirm that other researchers had not recently undertaken substantive research with members. All of the chosen authorities met these criteria.^{5,6}

⁵ During the council year, one Conservative opted to have the whip removed to sit as an independent.

⁶ During the council year, one Labour member sadly passed away. A by-election resulted in a Labour member taking the seat.

A) Council Name in Project	B) Majority Party	C) Composition				Tot Cllrs	D) Tier / Function	E) Geographic Location
		Con Cllrs	Lab Cllrs	LibD Cllrs	Oth Cllrs			
Alpha District Council	Conservative	35	18	0	1	54	Lower (District)	North West
Beta County Council	Conservative	41	3	8	5	57	Upper (County)	West Midlands
Gamma Unitary Council	N.O.C (Lib Dem Minority Admin)	20	10	21	0	51	Single (Unitary)	South East
Delta Metro Borough Council	Labour	23	32	2	6	63	Single (Unitary)	Yorkshire & the Humber
Totals	-	119	63	31	12	225	-	-

Table 5.4: Case Study Authority Profiles

Approaching the Variables with Qualitative Research Methods

In order to have fully evaluated the operation of groups in relation to O&S, it was necessary to have an approach that tackled both the visible and invisible dimensions of the behaviour of councillors as units of party groups. The visible dimension of the operation of groups was researched through observation of councillors *working within* the meetings of O&S and the invisible dimension relating to how councillors *approached the work* of O&S was investigated through semi-structured interviews. In both observing the operation of committees and interviewing members involved, it was possible to assess the impact of the separation of powers on the group relating to two of the isolated variables that were not suited to quantitative assessment, in addition to the quantitatively analysed variables.

Using the lens of three different roles of overview and scrutiny,⁷ it was possible to assess how the party group responded to the institutional change:

1. Pervasiveness of organisation...

a) ...in relation to the role of holding to account

Through observation, it was possible to assess how non-executive committees held an executive to account. A simple example would be a party divide over an administration decision that resulted in a clear division between the groups. In isolation, the observation would be irrelevant without discovering the motivations behind the split, any decisions taken prior to the event by the groups and the context of the topic in council decision-making. As a result, subsequent interviewing of the committee's councillors formed a crucial link by allowing an exploration of the proceedings, confirming or disproving the possibly superficial observations and providing a greater understanding of the context of what had happened.

b) ...in relation to policy development, policy review, pre-policy scrutiny

In observing O&S committees undertaking policy development, review or pre-scrutiny, the research established an understanding of whether councillors worked together in O&S and whether recommendations from committees were consensus-based or party-tight. An example would be the evaluation of how councillors undertook an O&S investigation into the role of a council service and what conclusions they came upon. In-depth interviewing provided a complementary tool to investigate how and why councillors worked together (whether chance,

⁷ Aggregated to reflect 'types' of overview and scrutiny reflected in legislation's intent.

motivation or mandation) and allowed exploration of the reason for topic choice (i.e. deliberate avoidance or promotion of a controversial subject.)

c) ...in relation to external scrutiny

In external O&S committees (whether NHS, partnership-focused or other), observing the operation of these committees and their approach to working together facilitated an evaluation of how groups might have influenced these, their work programmes or their success/failure. An example of an indication of group involvement would be an external scrutiny committee being chaired by an opposition member when all the inward-looking committees were chaired by the administration. Observations benefitted from in-depth interviewing with members of external scrutiny committees in identifying such things as why they had been chosen for the committee, how successfully the councillors worked together and whether they felt that their external-facing role was effective or purposively distracting.

2. Centralisation of Policy Formulation

The research project had initially incorporated the possibility of observations of party group meetings to observe whether or not the leadership of the party asserted forms of control over policy formulation, with a subsequent expectation that councillors would carry through these decisions. However, the barriers to entry to observe group meeting proceedings were understandably high and thus being accepted to observe such a private chamber of discussion would have been asymmetrical across the councils. More significantly, not only would it be difficult for the researcher to attend group meetings but the presence of an external

observer would almost certainly alter the proceedings due to the nature of the *closed-door* discussions and concerns relating to compliance with the legislation. Such observation could have invalidated any data collected and led to distorted conclusions. As a solution, the method for assessing the variable of the centralisation of policy formulation was solely through in-depth interviews with councillors, who were willing to report instances. Interviewing respondents of the groups individually led to corroboration.

*Considerations in Qualitative Research Methods: Observations*⁸

Whilst observation first gave an insight into how issues filtered through committees with ‘party’ as a variable it also secondly, gave a perspective of group operation (whether absent or present) that could have been imperceptible when interviewing, due to an unawareness or a universal proneness to acquiescence with how they perceive *their* situation would meet any legislative requirements. For example, in interview, councillor **A** might have considered that there was no group involvement concerning issue **X** but the observation provided evidence that the group had spoken about **X** before the committee, sat together in committee and pressured the councillors to act on **X**. Whilst councillor **A** might have considered that they were not explicitly whipped (in their, potentially narrow, interpretation) to conform on the issue, the involvement of the group, as a concern for this research, would be discernable.

With similar concern to monitoring group meetings, a researcher’s presence in attending O&S meetings might have invalidated the observations. Webb et al. (1966) argues that visible

⁸ Observation also encompassed the study of available documentation that ran alongside committee meetings, including pre-committee information packs (the agenda for the meeting, minutes of previous meetings, information on issues under consideration, data on performance), committee-distributed information and the post-committee information such as the minutes. These lists are not exhaustive and differ substantially in depth and substance across Alpha, Beta, Gamma and Delta Councils. However, the relevance to the operation of party groups was low and as such provided references for the research, rather than data.

observation as a method has the potential to seriously undermine a whole approach: '*the patently visible observer can produce changes in behaviour that diminish the validity of comparisons*' (1966, p. 113). Even when this is not a physical presence and the subjects still know of the research (i.e. recordings/filming), the researcher '*is still an element with potential to bias the production of the critical data substantially*' (Webb et al., 1966, p.113).

However, an important feature of O&S is that the proceedings are always open to the public. Whilst the levels of public engagement across authorities varies substantially, despite the legislation and guidance pushing authorities to err towards the maximal level of public involvement, one thing that was possible for the researcher was attending meetings as a member of the public. Whilst specifically not *covert* research where the method is surreptitious, given that O&S meetings were public arenas, officers were informed prior to the research and members were subsequently interviewed following meetings, the research approach fell under the category of *nonreactive* observation, which Webb et al. (1966) defined as the following:

'Situations in which the observer has no control over the behaviour or sign in question, and plays an unobserved, passive and nonintrusive role in the research situation.'

(1966, p.112)

One difficulty in maintaining the 'unobserved as researcher' role transpired to be that meetings often didn't have any other members of the public attending; especially at Delta Council where the committees took place in rooms without facilities available to witness proceedings (e.g. seating). In these infrequent cases, members might have been wary of the researcher as either a member of the public, press or an external agency. In each case, these

perceptions were assumed to be quite negligible and less destructive than that of explicit 'academic researcher' identification where subject behaviour might have been constrained to fit a 'type' according to guidelines set down by party, authority or legislation.

Considerations in Qualitative Research Methods: Interviewing

The second part of the case studies was interviewing councillors about the relationship between the group and O&S. The approach taken was to follow up observation of meetings with interviews with participants from the observed committee; irrespective of whether they had actively participated. Thus it was an aim of the research to discuss what had happened before, during and subsequent to the meeting in order to understand the 'journey' of O&S from the councillor perspective. It was also necessary to understand how councillors perceived their role and how their group membership affected their approach to the function.

The most comprehensive way of examining these issues was through the use of non-standardised semi-structured interviewing where the line of questioning was not fixed across respondents but topics, significantly related to the research variables, were discussed in the context of nonreactive observations that had taken place with that councillor in attendance. In this case, the interviewing followed Patton's '*interview guide approach*' (2002, p.343) where neither was the interview too loose with '*different information collected from different people with different questions*' (2002, p.349) nor too fixed where '*standardised wording of questions may constrain and limit naturalness and relevance of questions and answers*' (2002, p.349). The chief benefit of the semi-structured interview was that there was flexibility in approaching councillors about experiences at their council and with groups, whilst still covering the topics relevant to the research and '*remaining fairly conversational and situational*' (2002, p.349). In cases where observation of a committee was impossible, due to

cancellation or limited frequency, selections of councillors were interviewed about these committees. It was also necessary to interview members who had the external perspective to scrutiny such as cabinet members, leaders and (administration) group whips who did not sit on O&S. Gaining an insight to external perspectives of O&S, whether from directional (those who may control scrutiny) or observational sources (monitoring by the administration), was valuable to the research.

Almost all of the interviews taking place were purposively conducted over the telephone rather than in a face-to-face setting due to the nature of the relatively sensitive topic of the group and the councillor. Given the secrecy of the group in comparison to open committee and the need to examine the possibility of a link between the two, it was thought that conducting the interviews via telephone with councillors may have given the researcher leverage to uncover beliefs about the party and its decision-making. It was considered that sensitive topics might be more successfully handled in telephone interviews given data in sensitive health research:

*‘...sensitive information [...] can be obtained effectively via telephone [...] presumably because the perceived distance between interviewer and respondent **results in the latter being more willing to report sensitive information than in more intimate face-to-face settings.**’*

(Pridemore et al. 2005, p.978 reporting Czaja, 1987)

Whilst some interviews had to be conducted face-to-face by request, most of these were deliberately conducted within ‘group rooms’ to replicate the effect of an environment to discuss potentially contentious topics.

Chapter Six: Quantitative Research Results

The questionnaire for this research was administered within a five-month period between September 18th, 2009 and February 14th, 2010. The population of councillors eligible for the sample survey was approximately 8420 given the caveats for involvement.¹ The survey sample was constructed via probability sampling but given that the sample was a random selection of 20% of councils, not councillors, the population was approximate; however, the sample was composed of 1684 councillors, of which 871 or 51.72% returned survey scripts through the post or online. This chapter presents the results of the questionnaire through both descriptive and inferential statistics; with a view to later provide² (**Chapter 8**) a connection between some of the representative results of this survey and party behaviour of the three main parties across English local government. The responses received by party reflected the proportion of the wider English local government distribution of political parties, with a very slight under-representation of Labour and over-representation of Liberal Democrats.

	Frequency	Sample Survey Percent	Major Party Proportions in English Local Government Population (based on Edkins, 2010)
Conservative	462	53.0	52.76%
Labour	192	22.0	24.61%
Liberal Democrat	217	24.9	22.62%
Total	871	100.0	100%

Table 6.1: Survey sample responses by observed and expected % of political party affiliation

				Test Statistics	
	Observed N	Expected N	Residual		Political Party
Conservative	462	459.6	2.4	Chi-Square	4.370
Labour	192	214.4	-22.4	df	2
Liberal Democrat	217	197.0	20.0	Asymp. Sig.	.112
Total	871				

Table 6.2: One sample chi-square test

¹ Councillors of the 332 eligible English authorities, members of at least one O&S committee, members of the Labour, Liberal Democrat or Conservative party and members outside of a group leadership (i.e. the *principals* not the *agents*)

² **Interpretation of both quantitative and qualitative data will occur in Chapter 8.** Minimal analysis of the quantitative data will occur alongside the results in order to contextualise the outputs alongside the qualitative data.

Running a one sample chi-square test of the responses to the survey according to political party, it shows that the observed frequencies of respondents do not deviate from the hypothetical, expected number of respondents in a statistically significant way ($p = 0.112$). Thus the responses by party will be expected to fit the population. Where relevant, the research measures statistical significance to 95% ($p < 0.05$) and the sampling error of the 871 sample is, at its largest, +/- **3.1%**.³ For the conditional questions in section four, the sub-sample of long-serving councillors gives a maximum error of +/- **5.3%**.

V1: Local Party Group Meetings

The questionnaire asked three questions relating to group meetings; whether party meetings were conducted *solely relating to scrutiny*, whether regular meetings devoted a portion of time to O&S and a question to long-serving councillors about the frequency of group meetings today in comparison with before the legislation. Each question factors in the relevance of affiliation, the tier of the council, the presence of a majority and incumbent vs. opposition respondents.

Q3.1 Have you ever attended a party group meeting which exclusively dealt with the agendas of forthcoming scrutiny committees or short-life task-and-finish / working group meetings?

This question sought to get a picture of any group meetings that specifically dealt with O&S issues rather than any other party topics, thus demonstrating the focus that the party may have taken on the group's role in O&S.

³ This is the **'maximum possible variation'** calculation based on the estimated population of **8420** meeting the screen-in criteria and on an assumption of a question split of 50 (which gives the largest *sampling error* statistic)

Pre-O&S Party Group Meetings

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes	150	17.4	17.4
	Yes, Occasionally	150	17.4	34.8
	No, Never	562	65.2	100.0
	Total	862	100.0	
Missing	System	9		
Total		871		

Table 6.3: Occurrence of party group meetings specifically for O&S

Pre-O&S Party Group Meetings

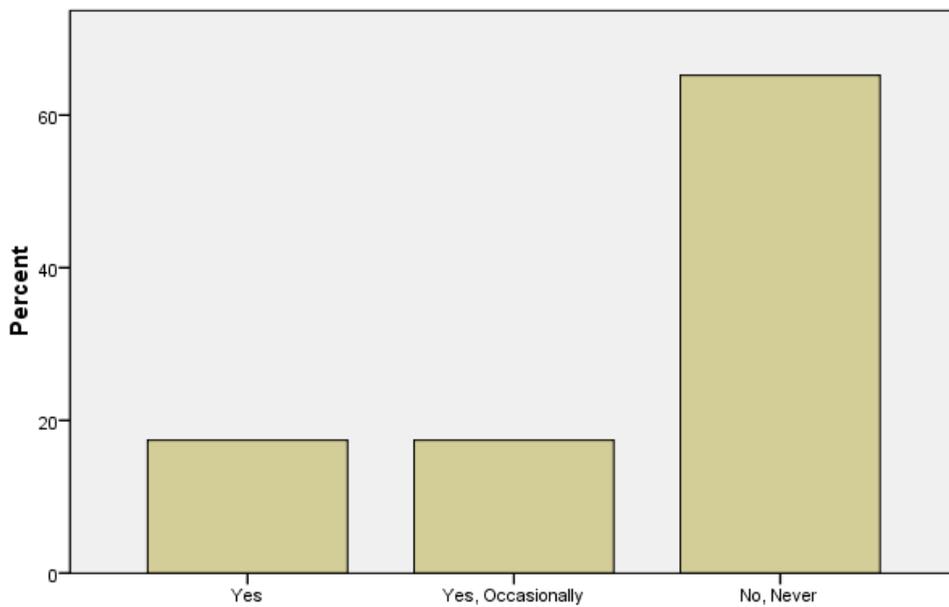


Fig 6.1: Bar Chart showing of party group meetings specifically for O&S

Table 6.3 and Figure 6.1 show that party group meetings specifically relating to upcoming O&S meetings took place in around 35% percent of cases (either regularly or occasionally) with the reasonable majority of 65% indicating no specific party group meetings that solely related to O&S. Following the theoretical assumptions, according to affiliation there were no significant differences (where $p < 0.05$) between political parties with respect to reporting more or fewer occurrences of pre-O&S group meetings. Recoding the respondents by functional difference (i.e. by tier of respondent), there was no statistical significance ($p > 0.05$) between reports of pre-O&S party group meetings across tiers of council. Viewing the responses through the screening question of the respondent’s authority having a majority

party also showed no statistical significance in the likely propensity of pre-O&S group meetings between ‘majority party’ and ‘no overall control or coalition’ councils ($p > 0.05$). In a similar vein, viewing the reports of pre-O&S party group meetings split across incumbent and opposition party members⁴ there were no statistically significant differences showing a predisposition to group meetings specifically relating to O&S ($p > 0.05$). Across the board, the results of Q3.1 demonstrated that there were no indications to the likelihood of holding pre-O&S group meetings by party affiliation, tier of council, presence of a majority party or whether incumbent or in opposition.

3.2 Do any regular party group meetings devote a portion of time to the agendas of scrutiny committees or short-life task-and-finish / working group meetings?

Q3.2 sought to discover any other types of group meetings that could have dealt with O&S such as regularly scheduled gatherings. Where respondents may not have experienced specific party meetings solely dealing with O&S, they could have experienced group meetings which dealt with the topic as part of a wider discussion of party business. **Table 6.4** presents the frequencies of responses. The results of the question show that approximately 44% of respondents reported that regular group meetings devoted a portion of time to the agendas of upcoming O&S committees.

Time Devoted in Regular PGM				
		Frequency	Valid Percent	Cumulative Percent
Valid	No Time Devotion	476	55.7	55.7
	Up to 30 minutes	243	28.4	84.1
	Greater than 30 minutes	136	15.9	100.0
	Total	855	100.0	
Missing	System	16		
Total		871		

Table 6.4: Frequencies of reporting devoted time to O&S within regular party group meetings

⁴ Excluding members from *alternative arrangement* authorities

Following the theoretical assumptions relating to the relative insignificance of party affiliation (i.e. parties act as parties), the party of the respondent was not statistically significant. However the tier of council did show statistical significance differences ($p = 0.02$). As shown below, **district / borough respondents reported lengthier devotion to O&S in regular party group meetings than upper or single tier authorities.** However the strength of correlation was low (Cramer's $V=0.096$).

Time Devoted in Regular PGM * TIER Crosstabulation

		TIER		Total
		Lower Tier	Upper Tier or Single Tier	
No Time Devotion	Count	181	295	476
	% within TIER	50.1%	59.7%	55.7%
Up to 30 minutes	Count	117	126	243
	% within TIER	32.4%	25.5%	28.4%
Greater than 30 minutes	Count	63	73	136
	% within TIER	17.5%	14.8%	15.9%
Total	Count	361	494	855
	% within TIER	100.0%	100.0%	100.0%

Table 6.5: Crosstab of time devoted to O&S in regular party group meetings by tier (Lower/Upper)

Whilst the factor of a majority or a minority / coalition did not show any statistical significance relating to this question, the 'incumbency or opposition' category showed significant differences between the predisposition of incumbent party and opposition party respondents to have party group meetings which devoted time to O&S. As might be expected due to their roles on the council, **opposition parties reported a longer amount of time spent on O&S in regular party group meetings.** However, the correlation was moderately low (Cramer's $V=0.164$) but statistically significant enough to have not happened by chance ($p < 0.0005$). The crosstabulation is presented in table 6.6 below:

Time Devoted in Regular PGM * Incumbent or Opposition Crosstabulation

		Incumbent or Opposition		Total
		Incumbency	Opposition	
No Time Devotion	Count	326	118	444
	% within Incumbent or Opposition	61.5%	44.5%	55.8%
Up to 30 minutes	Count	133	90	223
	% within Incumbent or Opposition	25.1%	34.0%	28.1%
Greater than 30 minutes	Count	71	57	128
	% within Incumbent or Opposition	13.4%	21.5%	16.1%
Total	Count	530	265	795
	% within Incumbent or Opposition	100.0%	100.0%	100.0%

Table 6.6: Crosstab of time devoted to O&S in party group meetings by incumbency vs. opposition

Importantly for this research, looking only at those respondents who reported that they **did not** experience specific party group meetings (as asked in Q3.1), it is possible to then see how many of these **did**, however, experience time devoted to O&S in regular party meetings (as asked in Q3.2). Table 6.7 shows an additional 168 councillors who did not report specific party group meetings about O&S but did report time devoted to O&S in regular party group meetings.

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes - Devoted Time or Specific PGM	467	54.6	54.6
	No - Devoted Time or Specific PGM	388	45.4	100.0
	Total	855	100.0	
Missing	System	16		
Total		871		

Table 6.7: Respondents either experiencing specific PGM or devoted time in PGM to O&S

Combining the additional 168 responses from those who answered negatively to Q3.1 (*No specific meetings*) but positively to Q3.2 (*Yes, devoted time*) with the 300 responses answering Q3.1 positively, resulted in 467 out of 856 (54.6%) respondents reporting that the group devoted time to the operation of O&S. Given that this was a majority of respondents from a representative sample, **it indicated that the majority of the population of English local parties devoted group time to the operation of the function** (giving consideration to sampling error of 3.1%). Within the ~ 45% of respondents who reported neither specific party

group meetings nor any devoted time to O&S in regular group meetings, there were some unexpected results of the intra-party splits between political parties. For example, 52% of the Labour party reported neither Q3.1 nor Q3.2, 47% of the Conservative respondents and only 35% of Liberal Democrat members. These differences across political parties were statistically significant ($p = 0.001$) and thus proportionally the Liberal Democrat members were most likely (65%) to answer in the positive to Q3.1 and Q3.2.

4.1 Do you think that your own party group conducts more or [fewer] meetings now compared to before the introduction of the Local Government Act 2000?

Q4.1 asked respondents who had served before the introduction of the Local Government Act 2000 whether they experienced a higher or lower frequency of party group meetings since its introduction. Overwhelmingly, despite the changes brought about by the Act, the respondents reported (52%, Table 6.8) that the frequency of party group meetings had stayed the same.

		Frequency	Valid Percent	Cumulative Percent
Valid	Considerably more party group meetings	19	5.7	5.7
	Quite a lot more party group meetings	20	6.0	11.7
	A fair amount more party group meetings	55	16.5	28.1
	Exactly the same level of party group meetings	175	52.4	80.5
	A fair amount fewer party group meetings	34	10.2	90.7
	Quite a lot fewer party group meetings	14	4.2	94.9
	Considerably fewer party group meetings	17	5.1	100.0
	Total	334	100.0	
Missing	System	537		
Total		871		

Table 6.8: Q4.1 respondents reporting party group meeting frequency since the LG Act 2000

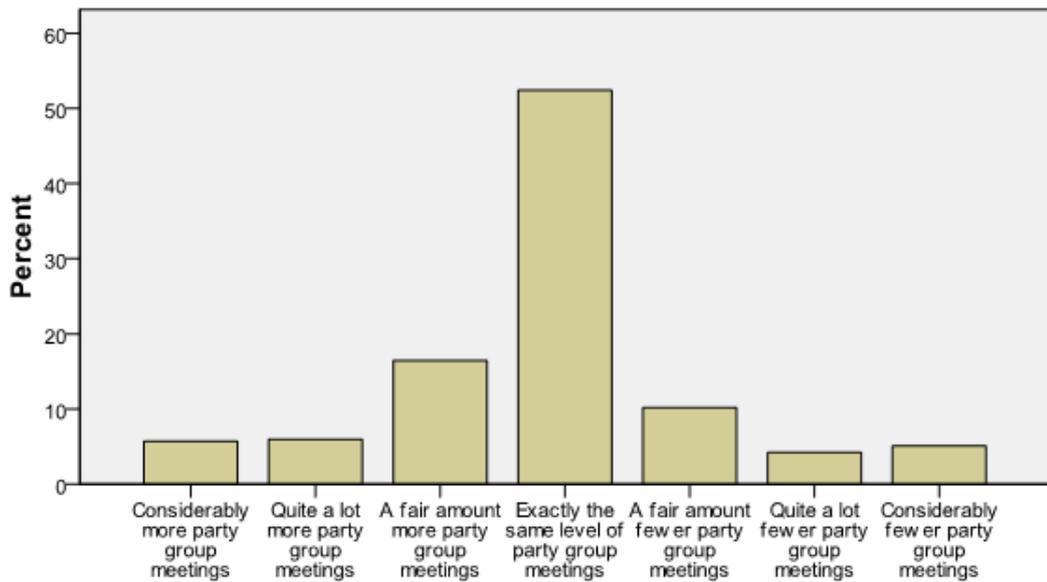


Fig 6.2 Q4.1 respondents reporting level of party group meetings since the LG Act 2000

As in Figure 6.2, in terms of reporting either more or fewer party group meetings, more respondents answered that there were more party group meetings since the Act (28.2%) rather than less group meetings (19.5%). When crosstabulated according to party affiliation, differences between the parties were not statistically significant. According to the results of Q4.1, group meetings have seemingly either remained at the same frequency or increased in frequency in 81% of cases, with relatively few respondents (20%) reporting a decrease in frequency.

V4: Preclusory Discipline

The questionnaire asked four questions relating to preclusory discipline; two of which were addressed to all respondents and two of which were addressed to councillors who had served before the introduction of the Local Government Act 2000. The initial two questions to all respondents dealt with the deconstruction of the occurrence of whipping as ‘advisory’ whipping and ‘explicit’ whipping. The second two conditional questions for long-serving councillors addressed the self-reported relative control of the party group both before and after the introduction of the legislation.

3.3 Have you ever received informal pressure from your group leader(s), party whip etc. about things under consideration by an O&S committee meeting? (For example, you are advised to act as directed)

This question sought to uncover the organisational discipline of the party in relation to whipping that councillors may not have believed had explicitly occurred but was present by implication. For example, councillors reporting that they had been advised and informally pressured to take a particular course of action to take O&S.

Advisory Whipping

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes	52	6.1	6.1
	Yes, Occasionally	149	17.4	23.5
	No, Never	654	76.5	100.0
	Total	855	100.0	
Missing	System	16		
Total		871		

Table 6.9: Q3.3 respondents reporting advisory whipping / informal pressure in O&S

From Table 6.9 approximately 24%, or almost 1 in 4 respondents, reported advisory whipping, through means of informal pressure, in order for councillors to act in a certain way in O&S committees. The modal responses within those that **did** report advisory whipping reported the incidence highest on ‘rare occasions’ followed by ‘occasionally.’ According to political party affiliation, as expected, there was no statistical significance between each of the political parties in reports of incidences of this form of control. In respect to council tier and whether the respondent’s party was incumbent or in opposition, there was no statistical significance between these factors in the reporting of advisory whipping.

Showing statistical significance ($p = 0.027$), councils with majority parties tended to report more routine advisory whipping but this was contrasted with authorities without a majority party who tended to report considerably more ad-hoc, less routine advisory whipping

Advisory Whipping * Majority party? Y/N Crosstabulation

		Majority party? Y/N		Total
		Yes	No	
Yes	Count	45	7	52
	% within Majority party? Y/N	6.4%	4.5%	6.1%
Yes, Occasionally	Count	111	38	149
	% within Majority party? Y/N	15.8%	24.7%	17.4%
No, Never	Count	545	109	654
	% within Majority party? Y/N	77.7%	70.8%	76.5%
Total	Count	701	154	855
	% within Majority party? Y/N	100.0%	100.0%	100.0%

Table 6.10: Q3.3 respondents report advisory whipping in O&S by majority presence

3.4 Have you ever been subject to an explicit party whip about issues under consideration in O&S? (For example, you are told to act as directed)

In relation to Q3.4, where councillors were asked if they were ever subject to an explicit whip informing them of an obligation to follow directions from the party, the reports of whipping were roughly half of the reports of advisory whipping:

Explicit Whipping

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes	28	3.3	3.3
	Yes, Occasionally	74	8.6	11.9
	No, Never	758	88.1	100.0
	Total	860	100.0	
Missing	System	11		
Total		871		

Table 6.11: Q3.4 respondents reporting explicit whipping / formal pressure in O&S

Table 6.11 shows that explicit whipping was reported from approximately 12% of respondents. There was no statistical significance when parties were added to the data. Equally across the tier of council, by majority or NOC and by incumbency versus opposition, there were no reports of statistical significance ($p < 0.05$) which could explain differences in incidences of explicit whipping according to these factors.

From both Q3.3 and Q3.4 it was possible to total the number of respondents who had either encountered an advisory or an explicit whip at any point, in relation to O&S. Table 6.12 shows that **26% of respondents had either experienced an advisory or explicit whip in relation to O&S**. There were no statistical significant associations for the whipping aggregate when factoring in party, incumbency, majority parties or tier.

		Whipping		
		Frequency	Valid Percent	Cumulative Percent
Valid	Yes - Whip (either Advisory or Explicit)	221	25.9	25.9
	No - Whip (either Advisory or Explicit)	633	74.1	100.0
	Total	854	100.0	
Missing	System	17		
Total		871		

Table 6.12: Respondents either experiencing advisory or explicit whips in relation to O&S

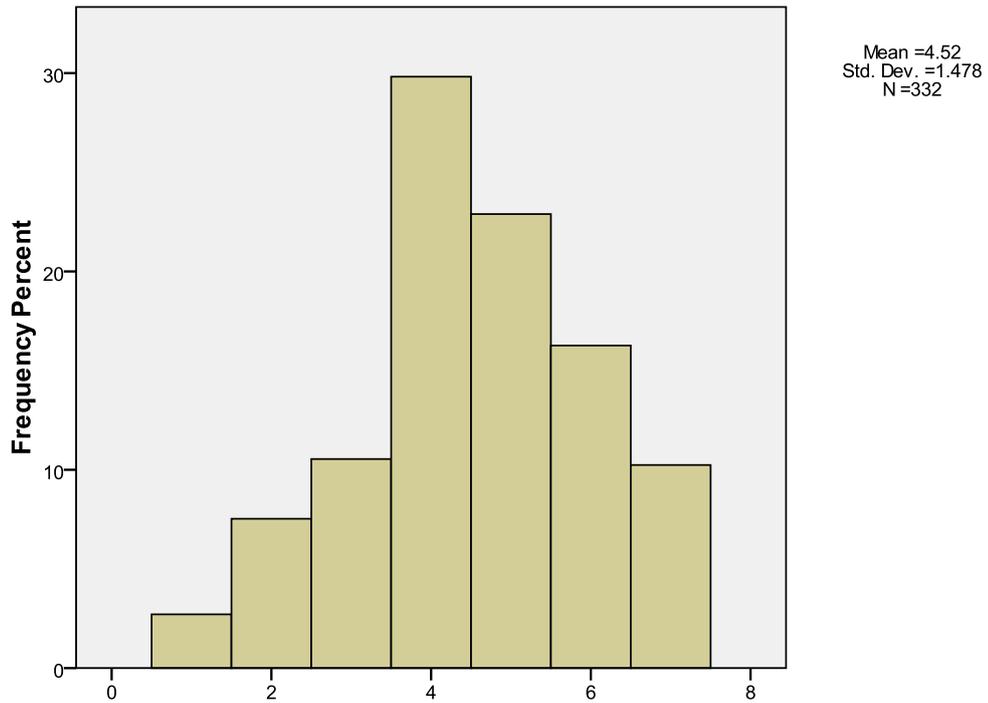
4.4 On a scale of 1 to 7, how much control do you think your own party has over its members under both the old committee system and the modern arrangements? [The scale runs from 1 meaning absolutely no control and 7 meaning absolute complete control]

4.4a - Before the Local Government Act 2000: 'The Committee System'
4.4b - Subsequent to the Local Government Act 2000: 'O&S'

Q4.4 was a conditional question to councillors who had experience on authorities before the introduction of the constitutional changes and asked respondents to self-report how much 'control' or preclusory organisation that respondents had experienced both under the committee-system and under the new arrangements. The results for these two questions are presented visually in the Figure 6.3 and Figure 6.4.

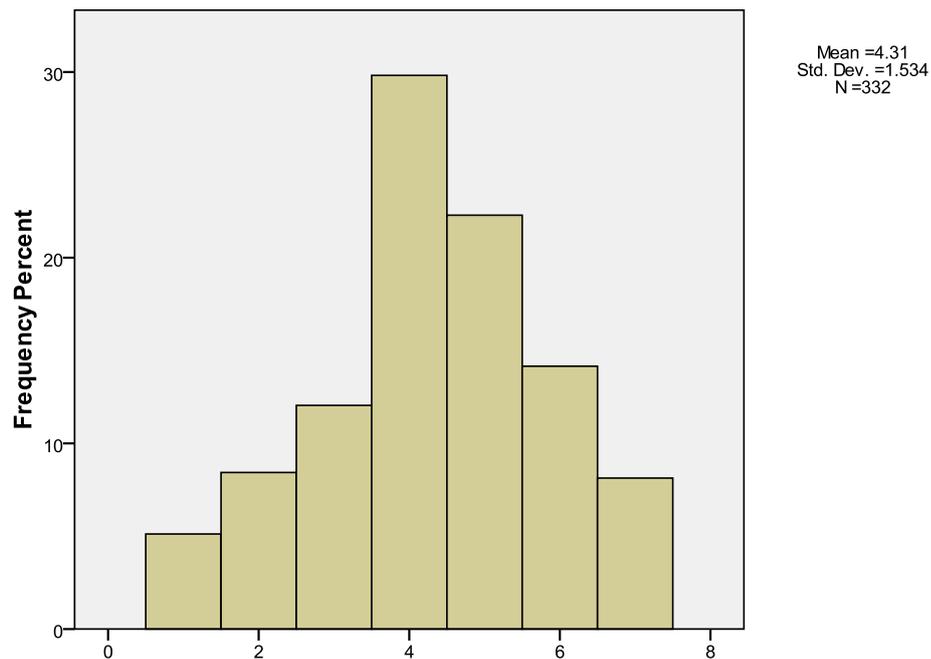
The mean level of agreement for each question was extremely close between 4.4a (4.52) and 4.4b (4.31), showing the mean agreement for party control over the committee system to be higher (0.21) than the mean relating to party control over O&S. However the difference between the means was tested using a paired sample T-Test and demonstrated that the difference between the means was statistically significant ($p = 0.001$) and unlikely to have

happened by chance. Nonetheless the difference between the levels of agreement was very small and both questions were negatively skewed (4.4a -0.223 & 4.4b -0.229) meaning the responses were both more clustered towards higher levels of agreement and both questions resulted in a negative kurtosis (4.4a -0.358 & 4.4b -0.377) indicating relatively flat peaks.



4.4a On a scale of 1 to 7, how much control do you think your own party had over its members under the old committee system? Before the Local Government Act 2000: 'The Committee System'

Fig 6.3: Histogram relating to Q4.4a



4.4b On a scale of 1 to 7, how much control do you think your own party has over its members under the modern arrangements? Subsequent to the Local Government Act 2000: 'Overview and Scrutiny'

Fig 6.4: Histogram relating to Q4.4b

In assessing the means for each party, it was possible to assess whether the responses varied by the political affiliation of the respondents.

Political Party		4.4a 'The Committee System'	4.4b 'Overview and Scrutiny'
Conservative	Mean	4.49	4.39
	N	153	153
	Std. Deviation	1.447	1.539
Labour	Mean	5.12	4.45
	N	83	83
	Std. Deviation	1.392	1.540
Liberal Democrat	Mean	4.06	4.06
	N	96	96
	Std. Deviation	1.435	1.507
Total	Mean	4.52	4.31
	N	332	332
	Std. Deviation	1.478	1.534

Table 6.13: Q4.4a and Q4.4b means by political party

In a statistical significance test (one-way ANOVA) comparing the means, the political party served as an indicator only for question Q4.4a ($p < 0.0005$) but not Q4.4b ($p = 0.172$). Thus it was found that Labour respondents reported that the party group had had more control over the old committee system (5.12) than Conservative and Liberal Democrat respondents had

believed had been the case (4.49 and 4.06 respectively), which was statistically significant and likely to hold in the population.

However, in relation to Q4.4b, the party did not have a statistically significant association with the responses; all parties reported party control relatively equally. The Liberal Democrat respondents provided a mean that was exactly the same in both Q4.4a and Q4.4b, indicating no change. Both Labour and Conservative respondents reported a higher mean level of agreement that the party group had more control over the committee system than under O&S. In the Conservative case, this 0.1 agreement difference was almost negligible in contrast to the larger 0.67 difference in means reported by Labour. **Thus Labour councillors had felt less controlled by the party (but still positively controlled) since the legislation.** In relation to other independent variables which could be used to assess the results of Q4.4a and Q4.4b, only the tier of government can be static over time, given that incumbency and the presence of a majority party refer only to the present situation. However, testing by tier is fraught with difficulty, given that county and district councillors may have served before the Act in either tier or a different tier from which they would be answering the questionnaire at the time.

V1 & V4: Combining the variables to test for association

Whilst there were few statistically significant associations across **V1** and **V4** when testing responses by independent variables (such as party, tier, majority or incumbency) reports of party group meetings relating to O&S and whipping (either advisory or explicit) were aggregated to create a variable where any of these party tools were reported to have occurred. In combining the incidences of party group meetings (either specific or devoted time) and whipping (advisory and explicit) into dichotomous variables, where positive responses to Q3.1 and Q3.2 were computed to formulate a new aggregate variable of party group meetings

and Q3.3 and Q3.4 were computed to formulate a new aggregate variable of whipping, it was possible to discover the frequency of respondents that report both **no party group meetings together with no form of whipping**.

			Whipping Aggregate		Total
			Yes - Whip (either Advisory or Explicit)	No - Whip (either Advisory or Explicit)	
Party Group Aggregate	Yes - Devoted Time or Specific PGM	Count	159	304	463
		% of Total	18.8%	35.9%	54.7%
	No - Devoted Time or Specific PGM	Count	60	324	384
		% of Total	7.1%	38.3%	45.3%
Total		Count	219	628	847
		% of Total	25.9%	74.1%	100.0%

Table 6.14: Crosstab of Party Group Meetings Aggregate with Whipping Aggregate

Table 6.14 shows that 62% of all respondents had either experienced specific party group meetings relating to O&S, devotion to O&S in regular group meetings, advisory whipping or explicit whipping from the party group about O&S. Consequently 38% of all respondents had not received any of these from their group. Subsequently breaking this down into a new variable of a dichotomy where respondents either a) **had reported either party group meetings or whips** in contrast to b) **those that had not experienced either** and then using the group as the independent variable, the differences between the political party groups were statistically significant ($p = 0.05$). This is demonstrated in Table 6.15 below:

			Political Party			Total
			Conservative	Labour	Liberal Democrat	
Yes - PGM or Whip	Count	277	103	143	523	
	% within Political Party	61.0%	56.3%	68.1%	61.7%	
No - No PGM or Whip	Count	177	80	67	324	
	% within Political Party	39.0%	43.7%	31.9%	38.3%	
Total	Count	454	183	210	847	
	% within Political Party	100.0%	100.0%	100.0%	100.0%	

Table 6.15: Crosstab of 'Party Group Meetings and Whipping Aggregate' with Party Group

Whilst it was statistically significant that Liberal Democrat members reported a higher number of party group meetings or whipping in contrast to both of the other parties (68% to 56% Labour and 61% Conservative), this could have been affected by the propensity of Liberal Democrats to be serving in opposition and thus devoting more PGM time to O&S.

However when aggregating these instruments, party differences did appear; the group most likely to report fewest O&S-related PGMs or whipping was Labour. This result was entirely unexpected, given Labour's previously reported dominance over group cohesion and mandation (Young & Davies 1990) and given the party's traditional corporatist approach (Copus & Leach 2004). In respect to the tier of the council and the presence of a majority at the authority, there were no statistically significant associations. However, when factoring in incumbency vs. opposition, there was a statistically significant relationship that indicated that the tools of O&S-related PGMs and whipping were more likely to occur for opposition respondents ($p = 0.001$).

V5: Cohibition of individual councillor communication

Within **V5**, four questions were asked that related either to direct party attempts to ensure councillor communication was controlled in relation to criticism in public or how comfortable councillors perceived themselves to be when discussing decisions made by their own group in both public and private arena.

3.5 Have you ever been briefed by your local party group leader(s) about the way to conduct yourself in O&S committees? (Multiple selections permitted)

The first question related to whether the groups briefed their members about their conduct in O&S committee meetings. The question allowed for multiple selections as the options were not mutually exclusive. In total, 858 respondents answered this question (13 missing) and of these, 211 respondents (25%) reported that they were briefed (providing 294 selections) and 647 reported that they had not been briefed (75%). Frequency table 6.16 shows the selections of those who had reported that they had been briefed about their conduct in O&S.

	Responses		Percent of Cases
	N	Percent	
Briefed when System Introduced	83	28.2%	39.3%
Briefed when Criticise Local Party During OS	14	4.8%	6.6%
Briefed when Issue Controversial	84	28.6%	39.8%
Briefed when Elections Due	9	3.1%	4.3%
Briefed when First Standing for Election	64	21.8%	30.3%
Briefed when Press or Public to attend	17	5.8%	8.1%
Briefed when I agree with Other Parties	9	3.1%	4.3%
Briefed when I rebel against Decisions from Own Party	14	4.8%	6.6%
Total	294	100.0%	139.3%

Table 6.16: Selections (multiples permitted) of those answering positively to Q3.5

The results showed that the most frequent occasion for a group briefing was when the issue under discussion in O&S was controversial (40%). The second most frequent instance of briefing was when O&S was first introduced (39%) followed by when the candidate was first standing for election (30%). The other options provided substantially fewer positive responses and were all beneath 10% of the 25% who said that they had been briefed in some way. In terms of approaches of the individual political parties, the following table summarises the differences by group:

		Conservative	Labour	Liberal Democrat	Total
Briefed when System Introduced	Count	44	20	19	83
	% within polparty	37.0%	39.2%	46.3%	
Briefed when Criticise Local Party During OS	Count	8	4	2	14
	% within polparty	6.7%	7.8%	4.9%	
Briefed when Issue Controversial	Count	47	20	17	84
	% within polparty	39.5%	39.2%	41.5%	
Briefed when Elections Due	Count	4	3	2	9
	% within polparty	3.4%	5.9%	4.9%	
Briefed when First Standing for Election	Count	38	15	11	64
	% within polparty	31.9%	29.4%	26.8%	
Briefed when Press or Public to attend	Count	10	5	2	17
	% within polparty	8.4%	9.8%	4.9%	
Briefed when I agree with Other Parties	Count	6	2	1	9
	% within polparty	5.0%	3.9%	2.4%	
Briefed when I rebel against Decisions from Own Party	Count	12	1	1	14
	% within polparty	10.1%	2.0%	2.4%	
Total	Count	119	51	41	211
% of Party respondents (in total)		25.75%	26.56%	18.89%	Av: 24.59%

Table 6.17: Respondents answering positively to Q3.5 by political party group

Table 6.17 shows that there is little difference in the reports of briefings across parties except a comparatively higher number of Liberal Democrats reporting that they were briefed on

conduct in O&S when the system was first introduced and a higher number of Conservatives reporting briefing when they rebelled against decisions from their own party. In party totals, 25.75% of Conservative members reporting party briefings, 26.56% of Labour and only 18.89% of Liberal Democrats.

3.7 Since the introduction of the Local Government Act 2000, have you ever criticised the decisions made by your party in any public sphere; such as O&S, full council or directly to the local, regional or national press?

3.8 Since the introduction of the Local Government Act 2000, have you ever criticised the decisions made by your party in any private sphere; such as in group or coalition meetings, the local party meetings, national party conferences et al.?

Q3.7 and Q3.8 sought to discover whether respondents had criticised their group's decisions in two different spheres; public (such as O&S, full council et al.) and private (group meetings et al.). The question gave respondents the same ordinal rank of options⁵ to allow for comparability between Q3.7 and Q3.8. From figure 6.5, it is clear that the majority (approx. 75%) of respondents had not criticised the decisions made by their party in any public sphere, in contrast to figure 6.6 which showed that the majority of respondents (approx 65%) had criticised the decisions made by their party in private.

⁵ As Q3.1, Q3.3, Q3.4

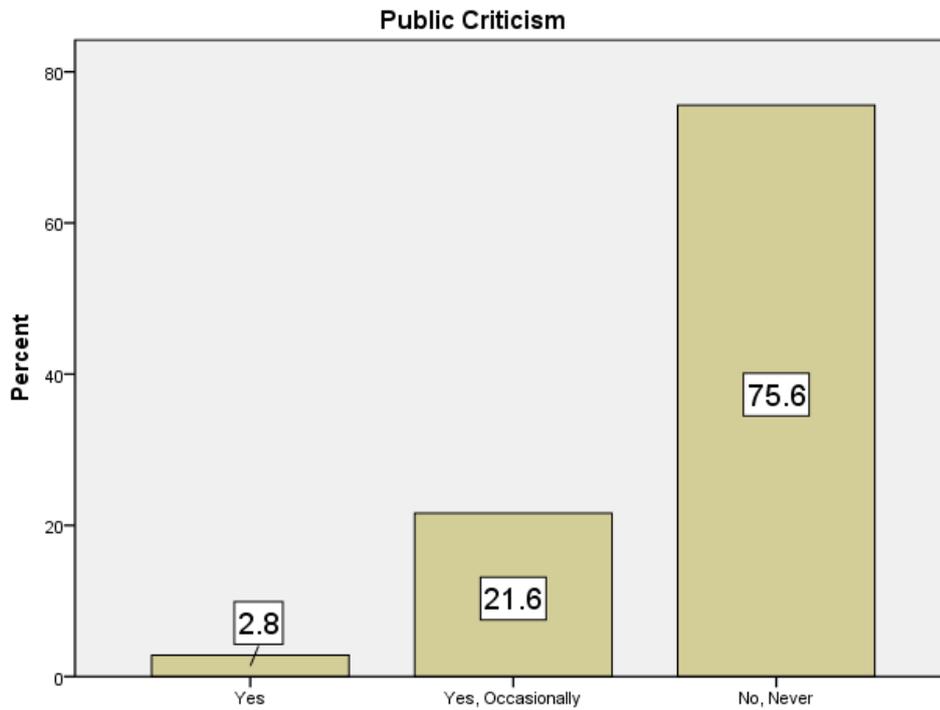


Fig 6.5: Bar chart showing responses to Q3.7, where respondents criticise the party group in public

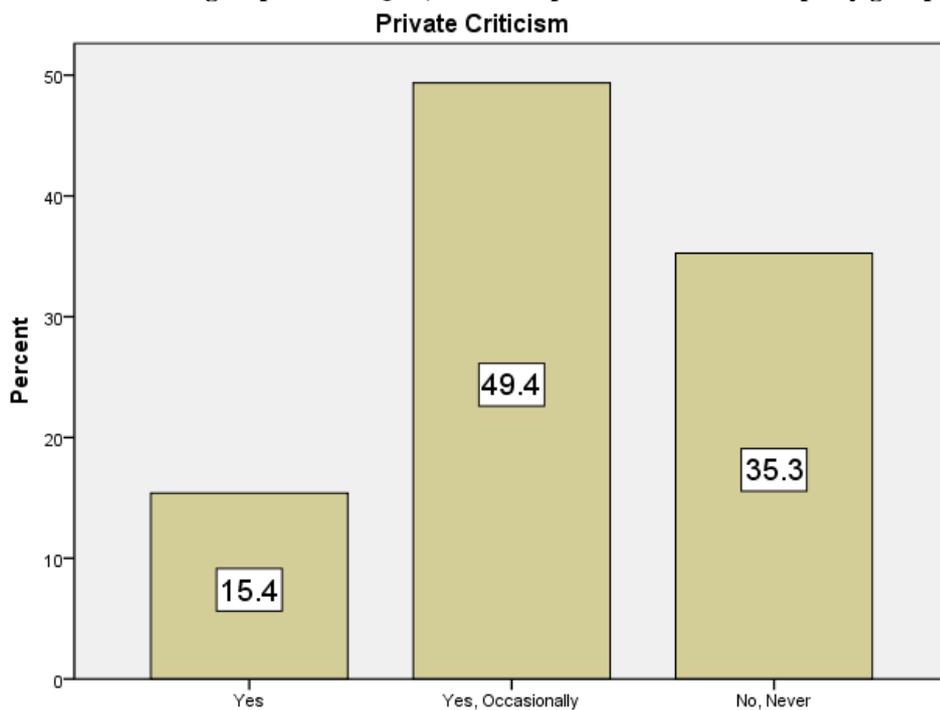


Fig 6.6: Bar chart showing responses to Q3.8, where respondents criticise the party group in private

Unsurprisingly, from the distinction between the two, it was clear that respondents typically preferred to reserve any criticism about the group to the confines of the private sphere of the group rather than in public. However the fundamental difference between the two implied that there would be externalities prompting this type of dichotomy between the two, such as a fear

of losing elections, fear of losing position within the party or being disciplined by the group which could be confirmed through other questioning in the survey. This question specifically **measured respondent's actions** rather than **party group orders**. In looking at the responses to these questions through the lens of political party group, the affiliation was not statistically significant when looking at the response to Q3.7 (public criticism) ($p > 0.05$) or in relation to Q3.8 (private criticism) ($p > 0.05$).

Furthermore, in respect to viewing Q3.7 and Q3.8 through the lens of the tier of the council, the presence of a majority party or whether incumbent or opposition party, the results for all of these relationships were statistically insignificant with Q3.7 or Q3.8 (*all* $p > 0.05$). However when testing public criticism with whether the respondent was a chair of an O&S committee, there was a statistically significant relationship (Table 6.18) that indicated that **chairs were more willing to criticise their party group in public** ($p < 0.039$). However, when only factoring in chairs from the majority party, a surprisingly high 69% of chairs reported that they had never criticised the decisions made by their party in public.

Public Criticism * Chair Crosstabulation

		chairDich		Total
		Yes - Chair / Vice-Chair	No - Not a Chair / Vice-Chair	
Yes	Count	9	14	23
	% within chairDich	2.7%	2.7%	2.7%
Yes, Occasionally	Count	87	97	184
	% within chairDich	26.0%	18.7%	21.6%
No, Never	Count	238	407	645
	% within chairDich	71.3%	78.6%	75.7%
Total	Count	334	518	852
	% within chairDich	100.0%	100.0%	100.0%

Table 6.18: Public Criticism (Q3.7) according to chair vs. non-chair

4.2 How much more or less comfortable do you feel criticising your own party leadership in O&S conditions or in a public arena since the introduction of the Local Government Act 2000?

Question 4.2 was a conditional question posed to councillors who had served before the Local Government Act 2000 and sought to discover the comparative level of comfort experienced by respondents since the introduction of the legislation. The results of this question, presented in table 6.19 and figure 6.7, showed that the vast majority of respondents (76%) believed that they experienced the same level of comfort subsequent to the Act as they did before its introduction.

	Frequency	Valid Percent	Cumulative Percent
Considerably more comfortable	7	2.1	2.1
Quite a lot more comfortable	4	1.2	3.3
A fair amount more comfortable	25	7.6	10.9
Exactly the same level of comfort	252	76.4	87.3
A fair amount less comfortable	14	4.2	91.5
Quite a lot less comfortable	8	2.4	93.9
Considerably less comfortable	20	6.1	100.0
Total	330	100.0	
System Missing	541		
Total	871		

Table 6.19: Q4.2 respondents reporting comfort since introduction of LG Act 2000

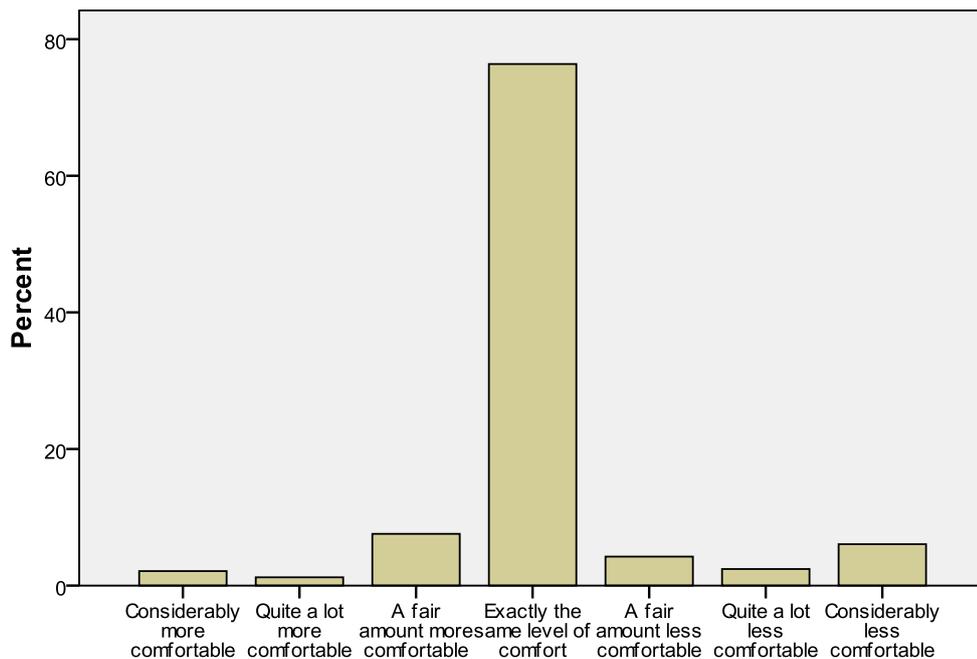


Fig 6.7: Q4.2 respondents reporting level of comfort in criticising party leadership since the Act

However the remaining 24% of respondents who either perceived more comfort or less comfort since the introduction of the Act did not demonstrate a discernable pattern in the distribution. To explain these differences, the party serves as an exploratory tool as seen in table 6.20 below:

		Political Party			Total
		Conservative	Labour	Liberal Democrat	
Considerably more comfortable	Count	1	4	2	7
	% within Political Party	.7%	4.7%	2.1%	2.1%
Quite a lot more comfortable	Count	2	2	0	4
	% within Political Party	1.3%	2.4%	.0%	1.2%
A fair amount more comfortable	Count	12	11	2	25
	% within Political Party	8.0%	12.9%	2.1%	7.6%
Exactly the same level of comfort	Count	111	57	84	252
	% within Political Party	74.0%	67.1%	88.4%	76.4%
A fair amount less comfortable	Count	10	3	1	14
	% within Political Party	6.7%	3.5%	1.1%	4.2%
Quite a lot less comfortable	Count	3	2	3	8
	% within Political Party	2.0%	2.4%	3.2%	2.4%
Considerably less comfortable	Count	11	6	3	20
	% within Political Party	7.3%	7.1%	3.2%	6.1%
Total	Count	150	85	95	330
	% within Political Party	100.0%	100.0%	100.0%	100.0%

Table 6.20: Q4.2 respondents reporting comfort since introduction of LG Act 2000 by party group

Adding party as an independent variable showed a statistically significant association ($p = 0.029$), visibly evident in table 6.20, in the tendency for Labour members to feel more comfortable to criticise their party group since the Act (20% of Labour in contrast to 10% of Conservatives and 4.2% of Liberal Democrats). Similarly, Conservative members reported that they felt less comfortable in criticising their party group since the Act, in comparison to the other parties (16% of Conservatives in contrast to 13% of Labour and 7.5% of Liberal Democrats.) Liberal Democrats were significantly more likely to report that the level of comfort had stayed the same, reflecting the unusually mirrored means in Table 6.13 in relation to Q4.4a and Q4.4b.

V1 & V4 with V5: Combining the variables to test for association

Using the responses to Q3.7, when asking respondents if they had ever criticised their party group in public, it was thought useful to factor in whether group meetings or whipping (V1 & V4) had led to a lower frequency of public criticism (V5) (due to strong party group control). However the association did not result in a statistically significant relationship ($p = 0.133$).

Public Criticism * Party Group Meeting & Whipping Aggregate Crosstabulation

		Party Group Meeting & Whipping Aggregate		Total
		Yes - PGM or Whip	No - No PGM or Whip	
Yes	Count	18	4	22
	% within AggregatePGMWhip	3.5%	1.2%	2.6%
Yes, Occasionally	Count	113	68	181
	% within AggregatePGMWhip	21.9%	21.2%	21.6%
No, Never	Count	386	249	635
	% within AggregatePGMWhip	74.7%	77.6%	75.8%
Total	Count	517	321	838
	% within AggregatePGMWhip	100.0%	100.0%	100.0%

Table 6.21: Q3.7 responses with V1/V4 aggregate relating to party group meetings or whipping.

V6: Administration of Castigative Discipline

The variable looking at the administration of castigative discipline had four questions in the questionnaire. Q3.6 asked respondents if they have been, and at what point, disciplined by their group in relation to their actions in O&S. Q3.61 followed up Q3.6 by asking respondents who answered ‘yes’ to this, how, if at all, they were punished by their group. Similarly, Q3.71 followed up Q3.7 (see V5) which had asked whether councillors had ever criticised their group in public and the subsequent conditional Q3.71 asked what type of punishment, if any, they had received as a result of the criticism. There was also a question for councillors who had served before the Act, which asked a comparative question about the level of discipline used both before and subsequent to the legislation.

3.6 Have you ever been disciplined by your local party group leader(s) in relation to your actions in O&S committees? (Multiple selections permitted)

The first question was specifically in relation to O&S and any direct consequences of criticising one’s party group in this arena alone. Q3.6 offered respondents multiple selections from the same list of options as used in Q3.5 (see V5). Out of the 861 respondents who answered this question (10 missing), 23 (2.67%) unique respondents answered that they had been disciplined as a result of their actions in O&S and 838 (97.32%) answered that they had never been disciplined in relation to the function. Because of the small percentage, the sample error at this level would be 1%, meaning the inference for applicability within the population could be from 1.67% to 3.67%. The 23 respondents who did report castigative discipline gave 35 responses to this question. Table 6.22 gives the frequency table of these responses.

	Responses		Percent of Cases
	N	Percent	
Disciplined when System Introduced	3	8.6%	13.0%
Disciplined when Criticise Local Party During OS	3	8.6%	13.0%
Disciplined when Issue Controversial	7	20.0%	30.4%
Disciplined when Elections Due	3	8.6%	13.0%
Disciplined when I agree with Other Parties	7	20.0%	30.4%
Disciplined when I rebel against Decisions from Own Party	6	17.1%	26.1%
Disciplined other reason	6	17.1%	26.1%
Total	35	100.0%	152.2%

Table 6.22: Selections (multiples permitted) of those answering positively to Q3.6

The highest frequency of discipline occurred when the ‘*issue was controversial*’ and ‘*when the respondent agreed with other parties*’ which individually represented 30.4% (7 responses each) of the total positive responses to Q3.6. These reasons were closely followed by ‘*when the councillor rebelled against decisions from their own party*’ (26.1%) and ‘*disciplined for another reason*’ (26.1%). Out of these 23 respondents reporting discipline as a direct result of action in O&S, the approximate proportion of Conservative respondents was much higher (3.9%

(*s.e range* 2.7 to 5.1%) than Labour (1.6% (*s.e range* 0.8 to 2.4%) and Liberal Democrat (0.92% (*s.e range* 0.32 to 1.52%) respondents, given the 2.67% average figure.

Due to the low N of respondents to this question, no extensive comparative assessment can be made into the differences between the occasions when respondents were disciplined in relation to O&S, other than that Conservative respondents were disciplined proportionately twice as much as Labour respondents and more than four times as much as Liberal Democrat respondents in this sample, in all probability indicative of Conservative-majority dominance at the time of the survey research resulting in more tight, majority-protective discipline.

3.61 Only if yes to the previous question (3.6), what was the nature and extent of the party discipline? (Multiple selections permitted)

Q3.61 sought to discover what type of discipline was used in relation to Q3.6 where respondents reported that they had been disciplined as a result of something they had done in O&S. The scale allowed for multiple choices and gave an ordinal ranking of options from *receiving an informal warning from the party* through to *suspension / expulsion from the party group*. Of the 23 respondents reporting castigative discipline, the following table details the outcomes of their cases:

Q3.61 Type for Discipline from Q3.6

	Responses		Percent of Cases
	N	Percent	
Informal Warning	12	57.1%	63.2%
Not Reappointed to Role	5	23.8%	26.3%
Removed from Appt / Role	1	4.8%	5.3%
Failure for Recommendation as Candidate	1	4.8%	5.3%
Suspended from Party Group	2	9.5%	10.5%
Total	21	100.0%	110.5%

Table 6.23: Type of discipline used on respondents reporting castigative discipline in Q3.6

Of the 23 respondents eligible, 21 responses provided evidence which showed that the majority of those subject to discipline as a direct result of actions in O&S were given an informal warning from the party group (54.5%). Five respondents (22.7%) reported that they were not reappointed to their role as a direct consequence of their action against the party and another two respondents (9.1%) were actually suspended from the party group itself as a direct result of their action in O&S settings. Whilst the two suspensions were experienced by Conservatives, due to the low numbers statistical evidence cannot be provided to state that this was a predominantly Conservative experience. Moreover, given that respondents had had to self-report the connection ($X \rightarrow Y$), little information can be gleaned from whether the actions in O&S were unequivocally connected to suspensions or removals. For example, deviant behaviour may have been common and punishment might have been the result of a councillor's wider deviance across all council functions (i.e. routinely disobeying the party).

3.71 Only if yes to the previous question (3.7); as a result of your criticism which of the following subsequently occurred? (Multiple selections permitted)

Q3.71 asked the same question as Q3.61 but was conditional on answering Q3.7 positively. Thus because Q3.7 was an alternatively worded question which included O&S in addition to other public arenas, the number of respondents answering Q3.71 was much higher (202 compared to 21). The scale allowed for the same multiple choices and gave the same ordinal ranking of options. Of the 209 who reported that they had criticised the party in public, 202 answered the follow-up question (7 missing) giving 204 responses. The tables below detail the outcomes of councillor's public criticism of the party group.

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Q3.71	202	96.7%	7	3.3%	209	100.0%

Table 6.24: Missing data for Q3.71

	Responses		Percent of Cases
	N	Percent	
Informal Warning	24	11.8%	11.9%
Formal Warning	5	2.5%	2.5%
Nor Reappointed to Role	10	4.9%	5.0%
Removed from Appt / Role	2	1.0%	1.0%
Not Punished	163	79.9%	80.7%
Total	204	100.0%	101.0%

Table 6.25: Type of discipline used on respondents reporting castigative discipline as a result of Q3.7

The large majority of respondents who criticised the decisions made by their party in a public sphere were not directly punished (80%) as a result of this / these action(s). However 11.9% of respondents who criticised their party group's decisions in a public arena were given an informal warning by the party, 5% of respondents were not reappointed to the role that they were serving in and 1% (*s.e range* ~ 0.4 - 1.6%) of respondents were immediately removed from their role as a direct consequence of their actions. Again, the survey relied on the respondent expressing their estimation that this was a causal link (i.e. My action **X** led to outcome **Y**). In terms of party affiliation, Labour and Conservative respondents were much more likely to be punished for public criticism of the group's decisions (28.6% of Labour, 20.9% of Conservatives) whereas the use of punishment was much lower for Liberal Democrats (4.7%).

4.3 How much more or less discipline has been used to control members of your party since the introduction of the Local Government Act in 2000? (Not just yourself)

Q4.3 asked respondents, conditional on whether they had served before the Act, whether they believed that group discipline had grown higher or lower since the introduction. This question straddled both **V4** and **V6** as it covered both preclusory and castigative discipline for a comparative perspective.

	Frequency	Valid Percent	Cumulative Percent
Considerably more discipline	2	.6	.6
Quite a lot more discipline	14	4.2	4.8
A fair amount more discipline	21	6.3	11.2
Exactly the same level of discipline	257	77.6	88.8
A fair amount less discipline	11	3.3	92.1
Quite a lot less discipline	9	2.7	94.9
Considerably less discipline	17	5.1	100.0
Total	331	100.0	
Missing System	540		
Total	871		

Table 6.26: Q4.3 respondents reporting level of discipline since introduction of LG Act 2000

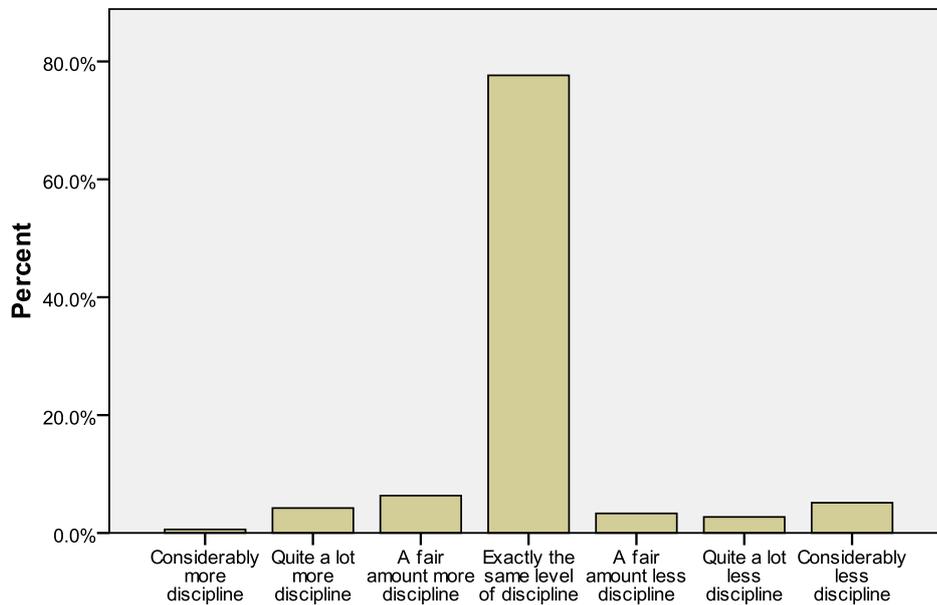


Fig 6.8: Q4.3 respondents reporting level of discipline since the LG Act 2000

From table 6.26, it was clear that over three-quarters of respondents reported that there was the same level of discipline used to control members now than there was before the legislation. On either side of this agreement, exactly 11.1% of respondents reported that there was more discipline since the Act combined with exactly 11.1% of respondents reporting that there was less discipline since the Act.

When factoring in the group as an associated factor, there was a statistically significant difference ($p= 0.018$) between the party groups. As seen in table 6.27, only the Conservatives reported more discipline (13.2%) rather than less discipline since the Act (6%) in direct

contrast with the inverse within Labour, who reported less discipline (21.4%) over more discipline since the Act (10.7). The Liberal Democrats were relatively more balanced and reported more discipline (8.3%) in a similar proportion to less discipline (10.4%). Given that the results were statistically significant, the population would have been likely to report similar patterns.

		Political Party			Total
		Conservative	Labour	Liberal Democrat	
Considerably more discipline	Count	1	0	1	2
	% within Political Party	.7%	.0%	1.0%	.6%
Quite a lot more discipline	Count	7	6	1	14
	% within Political Party	4.6%	7.1%	1.0%	4.2%
A fair amount more discipline	Count	12	3	6	21
	% within Political Party	7.9%	3.6%	6.3%	6.3%
Exactly the same level of discipline	Count	122	57	78	257
	% within Political Party	80.8%	67.9%	81.3%	77.6%
A fair amount less discipline	Count	5	3	3	11
	% within Political Party	3.3%	3.6%	3.1%	3.3%
Quite a lot less discipline	Count	1	6	2	9
	% within Political Party	.7%	7.1%	2.1%	2.7%
Considerably less discipline	Count	3	9	5	17
	% within Political Party	2.0%	10.7%	5.2%	5.1%
Total	Count	151	84	96	331
	% within Political Party	100.0%	100.0%	100.0%	100.0%

Table 6.27: Q4.3 respondents reporting discipline since introduction of LG Act 2000 by political party

V7: Allocation of Positions

Within the variable looking at the allocation of positions within the O&S function, there were two question groups that related to firstly, how many chairs were from the majority or opposition parties and secondly, how chairs and vice-chairs received these positions in O&S.

2.1 How many O&S committees, working groups and/or task-and-finish groups do you currently sit on? (Circle as appropriate)

2.2 How many of your O&S committees, working groups and/or task-and-finish groups (that you personally sit on) are currently chaired by a majority party on the council? (Circle as appropriate)

2.3 How many of your O&S committees, working groups and/or task-and-finish groups (that you personally sit on) are currently chaired by opposition parties (who are not part of an executive) on the council? (Circle as appropriate)

Q2.1 provided a screening question to ensure that the totals for Q2.2 and Q2.3 totalled to create the figure for Q2.1. Where these differences appeared, manual verification through a trace-back to the council itself was undertaken to translate these occurrences and strengthen the quality of the data and allow for computations (i.e. % of Q2.1). The table shows the means of the questions answered in Q2.1, Q2.2 and Q2.3.

	N	Minimum	Maximum	Mean	Std. Deviation
2.1 How many ... do you currently sit on?	864	0	6	2.18	1.278
2.2 How many ...chaired by a majority party on the council?	858	0	6	1.48	1.336
2.3 How many ... chaired by opposition parties on the council?	861	0	6	.74	1.092
Valid N (listwise)	857				

Table 6.28: Descriptive statistics of Q2.1, Q2.2 and Q2.3

From the initial univariate analysis, each respondent, on average, sat (arithmetically, rather than physically) on 2.18 committees, of which 1.48 were chaired by the majority party (approx 68%) and 0.74 were chaired by opposition parties (approx 34%).⁶ As a separately computed percentage of how many committees the individual respondent sat on (Q2.2 or Q2.3 divided by Q2.1 multiplied by 100), the percentage of respondents reporting that **ALL their chairs were taken by the majority party** was 56.8%.

⁶ Numbers do not total 100% because of some asymmetric missing data

Committees Chaired by Majority Party

		Frequency	Valid Percent	Cumulative Percent
Valid	None	222	29.0	29.0
	Some (<50%)	8	1.0	30.0
	Half (50%)	80	10.4	40.5
	Most (>50%)	21	2.7	43.2
	All	435	56.8	100.0
Total		766	100.0	
Missing	System	105		
Total		871		

Table 6.29: Committees chaired by the majority party as a percentage of total committees

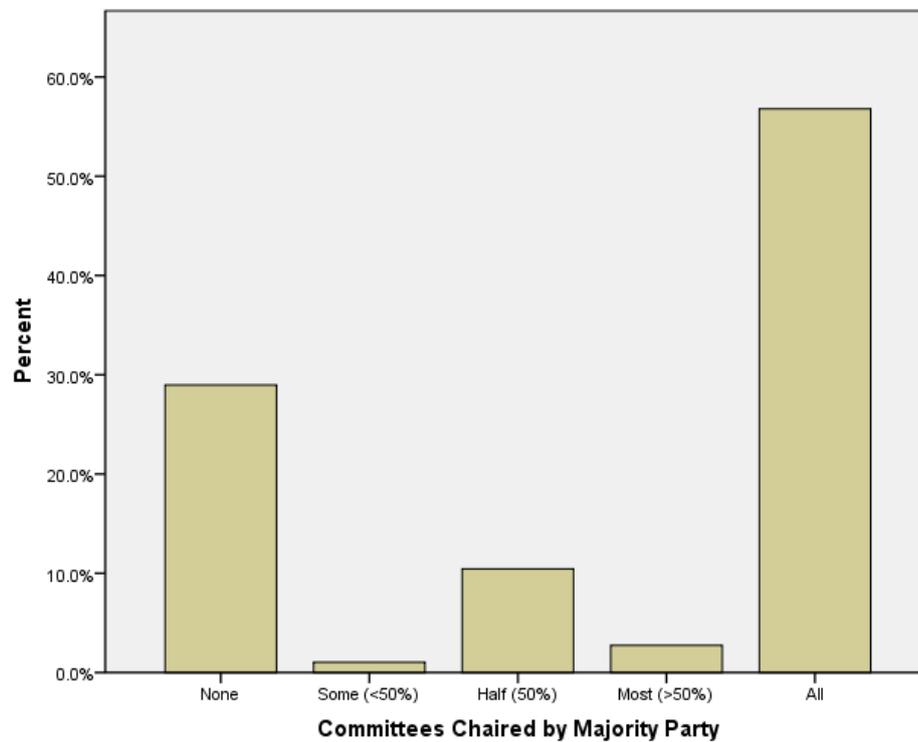


Fig 6.9: Histogram of committees chaired by the majority party as a % of total committees

In contrast, the proportion of chairs held by the opposition party across the respondents was much lower, as demonstrated in table 6.30 and figure 6.10, where **over half the respondents (58.2%)⁷ reported that none of their committees were chaired by opposition parties.**

⁷ 'None' & 'all opp / maj chair' numbers do not match because of **asymmetric missing data**

Committees Chaired by Opposition Party

		Frequency	Valid Percent	Cumulative Percent
Valid	None	449	58.2	58.2
	Some (<50%)	21	2.7	60.9
	Half (50%)	82	10.6	71.5
	Most (>50%)	5	.6	72.2
	All	215	27.8	100.0
Total		772	100.0	
Missing	System	65		
Total		837		

Table 6.30: Committees chaired by the opposition party as a percentage of total committees

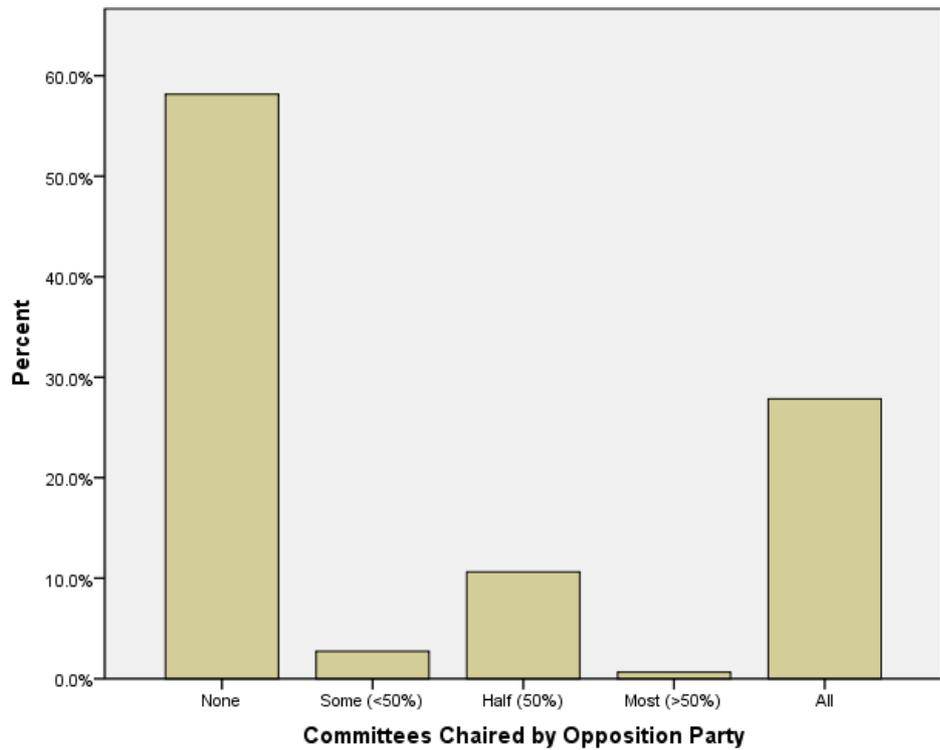


Fig 6.10: Histogram of committees chaired by the majority party as a % of total committees

An important association to run with these questions was **according to the political party and whether the group was incumbent and thus decided the committee allocations**. The following table shows the means of the number of committees chaired by the majority party or opposition party according to the incumbent political party.

Political Party		2.2 How many ... chaired by a majority party?	2.3 How many ... chaired by opposition parties?
Conservative Respondent with Conservative Incumbency	Mean	1.72	.62
	N	367	367
	Std. Deviation	1.393	1.033
Labour Respondent with Labour Incumbency	Mean	1.76	.42
	N	76	76
	Std. Deviation	1.231	.735
Liberal Democrat Respondent with Liberal Democrat incumbency	Mean	1.25	.90
	N	68	68
	Std. Deviation	1.214	.979
Total	Mean	1.66	.63
	N	511	511
	Std. Deviation	1.355	.993

Table 6.31: Comparing the means of committee chairpersonships according to incumbent party

From table 6.31, where the Conservative party was the incumbent, 74% of O&S committees were chaired by Conservatives and 26% were chaired by opposition parties. Slightly higher was where Labour were incumbent and 81% of chairs were allocated to Labour and 19% were allocated to the opposition. Although not showing the opposite relationship, the Liberal Democrats in administration kept 58% chairs for the Liberal Democrat group and gave 42% for opposition parties, showing a much less pronounced division than the other two parties. To test the statistical significance for the population, the following one-way ANOVA was undertaken. In both cases, there was statistical significance ($p < 0.05$) which indicated that **allocation of chairs was associated with the incumbent political party.**

ANOVA						
		Sum of Squares	df	Mean Square	F	Sig.
2.2 How many... chaired by a majority party on the council?	Between Groups	13.526	2	6.763	3.724	.025
	Within Groups	922.579	508	1.816		
	Total	936.106	510			
2.3 How many ...chaired by opposition parties (who are not part of an executive) on the council?	Between Groups	8.194	2	4.097	4.203	.015
	Within Groups	495.160	508	.975		
	Total	503.354	510			

Table 6.32: One-way ANOVA of committee chairpersonships according to incumbent party

In both Q2.2 and Q2.3, there was a statistically significant association, as demonstrated below, showing that the **Liberal Democrats, when incumbent, gave significantly more chairpersonships of O&S committees to opposition parties.** Regardless of the affiliation

differences, all three parties gave the majority of chairs to the incumbent party. From Table 6.34 (2nd below), **incumbent Labour groups were statistically significantly less likely than Liberal Democrats to give chairs of O&S to the opposition.**

2.2 How many chaired by a majority party on the council?

Tukey B

Political Party	N	Subset for alpha = 0.05	
		1	2
Liberal Democrat	68	1.25	
Conservative	367		1.72
Labour	76		1.76

Table 6.33: Post-hoc (Tukey's-b) majority committee chairpersonships by incumbent political party

2.3 How many... chaired by opposition parties (who are not part of an executive) on the council?

Tukey B

Political Party	N	Subset for alpha = 0.05	
		1	2
Labour	76	.42	
Conservative	367	.62	.62
Liberal Democrat	68		.90

Table 6.34: Post-hoc (Tukey's-b) opposition committee chairpersonships by incumbent political party

2.5 If you are a chair or vice-chair, how did you obtain the position? (Multiple choices permitted)

Q2.5 asked those who had identified as a chair or vice-chair how they had achieved that position. Of the 338 respondents who reported this, 337 respondents answered this question giving 386 responses:

Chair Nomination (Multiple Response)

	Responses	
	N	Percent of Cases
Nominated by Own Party	254	75.4%
Nominated by Other Party	12	3.6%
Nominated by Full Council	58	17.2%
Nominated by Scrutiny Committee Dominated by Majority Party	50	14.8%
Nominated by Scrutiny Committee Not Dominated by Majority Party	12	3.6%
Total	386	114.5%

Table 6.35: Route to chair or vice-chair of an O&S committee

From table 6.35, the majority of respondents (75%) reported that they were nominated by their own party for the position. A number of respondents who selected that they had been nominated by their own party also chose the option of ‘*nominated by full council*’ as a supplementary option, which could have been interpreted as being nominated by the party and subsequently verified in a formal council setting. Another popular route of nomination was being nominated by a scrutiny committee (18.4% in total). In these cases, respondents were more likely to be elected as a chair/ vice-chair by a committee dominated by the majority group. Only 3.6% of respondents reported that their nomination came specifically from another party other than their own (i.e. possibly opposition chairs chosen *specifically* by a majority party). According to affiliation, both Conservative and Labour respondents were equally as likely to be nominated by their own party with over three-quarters of respondents reporting that their own group had made the decision. In contrast, although the majority of Liberal Democrats were nominated by their own party, the proportion was around 10% lower, with a respectively higher proportion being nominated by other parties (5.5%) or the scrutiny committees themselves (21.9%).

		Political Party			Total
		Conservative	Labour	Liberal Democrat	
Nominated by Own Party	Count	146	59	49	254
	% within polparty	77.7%	77.6%	67.1%	
Nominated by Other Party	Count	6	2	4	12
	% within polparty	3.2%	2.6%	5.5%	
Nominated by Full Council	Count	25	16	17	58
	% within polparty	13.3%	21.1%	23.3%	
Nominated by Scrutiny Committee Dominated by Majority Party	Count	30	7	13	50
	% within polparty	16.0%	9.2%	17.8%	
Nominated by Scrutiny Committee Not Dominated by Majority Party	Count	6	3	3	12
	% within polparty	3.2%	3.9%	4.1%	
Total	Count	188	76	73	337

Table 6.36: Route to chair or vice-chair of an O&S committee according to party

Through viewing the results through the incumbent respondents alone (table 6.37), it became clear that there was very little nomination by any other party when the party was incumbent.

By selecting only the respondents who were from incumbent political parties, the routes for nomination to chair positions appeared to change. In the table below, the significant difference was that Liberal Democrat chairs in Liberal Democrat authorities were more strongly controlled by their Liberal Democrat party (84.8%). Given the previous table, this indicated that Liberal Democrats were most likely to be chosen by Labour or Conservative majority groups as chairs selected from an opposition (*see previous table*, LDs more likely to be nominated by other parties (5.5%) or the scrutiny committees themselves (21.9%).

		Political Party			Total
		Conservative	Labour	Liberal Democrat	
Nominated by Own Party	Count	125	31	28	184
	% within polparty	76.7%	83.8%	84.8%	
Nominated by Other Party	Count	5	0	1	6
	% within polparty	3.1%	.0%	3.0%	
Nominated by Full Council	Count	22	8	5	35
	% within polparty	13.5%	21.6%	15.2%	
Nominated by Scrutiny Committee Dominated by Majority Party	Count	29	2	4	35
	% within polparty	17.8%	5.4%	12.1%	
Nominated by Scrutiny Committee Not Dominated by Majority Party	Count	5	1	1	7
	% within polparty	3.1%	2.7%	3.0%	
Total	Count	163	37	33	233

Table 6.37: Route to chair or vice-chair of an O&S committee according to party (*Incumbents only*)

Natural Loyalty in the Blended Separation of Powers

The questionnaire results have thus far focused on the actions of the party groups and the controls it has put in place, such as **party group meetings** (Q3.1, Q3.2) **advisory and explicit whipping** (Q3.3, Q3.4), **briefing candidates** (Q3.5), **punishing transgressors** (Q3.6, Q3.61, Q3.71), **allocating committee chairs** (Q2.1, Q2.2, Q2.3) and **nominating candidates** (Q2.5). As such, the remaining questions (Q3.9, Q3.10 and Q5.11, Q5.12, Q5.13, Q5.14) focused on whether councillors might have had concerns about their behaviour (in relation to the group) and whether they would act on these. Thus the survey section asked respondents a series of proxy questions about fears and actions to examine the potential impact on O&S.

Q3.9 and **Q3.10** related to a councillor’s fear of consequences relating to public criticism affecting the councillor’s position with the party or the results of a subsequent election. The final section of the survey (**Q5.11** through **Q5.14**) provided a sequence of hypothetical scenarios which respondents could either agree or disagree upon.

3.9 On a scale of 1 to 7, where 1 means strongly disagree and 7 means strongly agree (circle your choice as appropriate), how much do you agree or disagree with this statement:

“I would be concerned about the consequences of criticising my own party in public; in relation to my position within my local party group.”

Q3.9 sought to address a councillor’s regard for office-seeking within the party and whether the objective of achieving higher office was a factor in maintaining discipline and following group regulations. Respondents were expected to grade the statement according to a Likert scale running from 1 through 7, where 7 indicated the strongest agreement with the proposition. The results of the question are presented in the table below.

Descriptive Statistics									
	N	Range	Mean	Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
3.9 "I would be concerned about the conqs of crit my own party in public; in relation to my position within my loc party group"	851	6	4.04	2.094	4.386	-.056	.084	-1.343	.167
Valid N (listwise)	851								

Table 6.38: Descriptive statistics for Q3.9

The mean result for this question was relatively high (4.04) but the variance and standard deviation were also quite high. The skewness of the result was negative, indicating a slight cluster towards the higher end of agreement to this statement but the negative kurtosis implied a flat distribution across all possible responses. The histogram of results is presented below in figure 6.11:

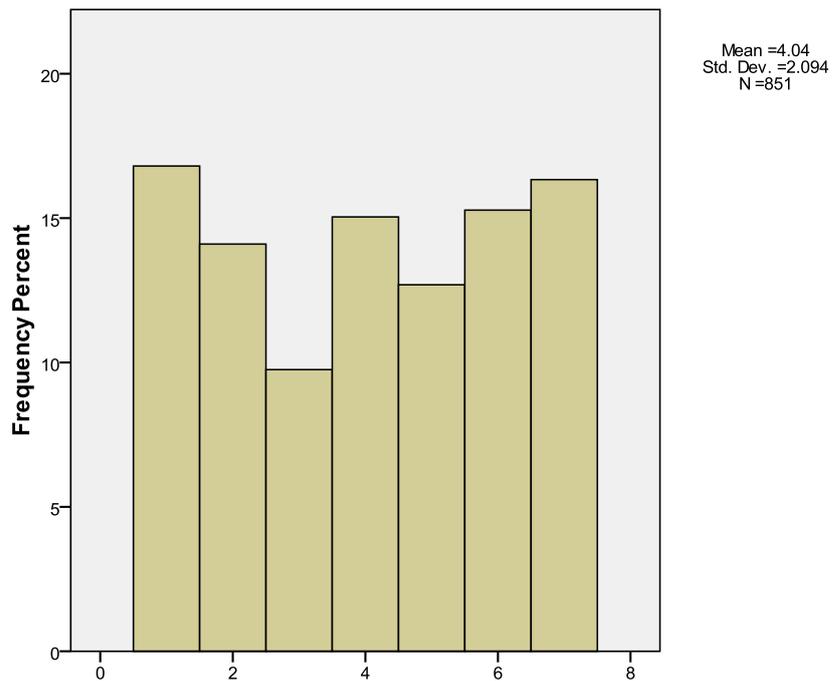


Fig 6.11: Histogram of responses to Q3.9 indicating level of agreement

In reference to an association with party, the means for each group were markedly different; showing a much higher mean from Labour respondents in comparison to Conservative and Liberal Democrat respondents.

Political Party	Mean	N	Std. Deviation
Conservative	3.99	450	2.071
Labour	4.41	188	2.129
Liberal Democrat	3.81	213	2.080
Total	4.04	851	2.094

Table 6.39: Means of levels of agreement to the statement in Q3.9 by political party

When testing for significance using a one-way ANOVA, it was found that these differences were statistically significant and showed that Labour councillors were much more likely to agree with this statement more strongly than respondents from the other parties ($p = 0.013$).

ANOVA					
	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	38.170	2	19.085	4.386	.013
Within Groups	3689.551	848	4.351		
Total	3727.720	850			

Table 6.40: ANOVA: Comparing means of political party groups to Q3.9

Political Party	N	Subset for alpha = 0.05	
		1	2
Liberal Democrat	213	3.81	
Conservative	450	3.99	
Labour	188		4.41

Table 6.41: Tukey's-b post-hoc test of significance

Whilst there were no statistical significant relationships when testing incumbency vs. opposition, the presence of a majority or whether the respondent held a chair / vice-chair, there was a statistically significant relationship when testing with council tier. As shown in the tables below, the agreement from respondents in upper or single tier authorities was significantly higher ($p = 0.013$) than that of the lower tier respondents. Thus factors that could increase a councillor's fear of losing their position in the party as a result of criticising the party in public included serving in an upper or single tier authority and being a Labour party councillor.

TIER	N	Mean	Std. Deviation	Std. Error Mean
3.9 Lower Tier	358	3.83	2.054	.109
Upper Tier or Single Tier	493	4.19	2.112	.095

Table 6.42: Means of level of agreement across tiers for Q3.9

		Levene's Test for Equality of Variances		t-test for Equality of Means							
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference		
										Lower	Upper
3.9 "I would be concerned about the cons of crit my own party in public; in relation to my position within my loc party group"	Equal variances assumed	.677	.411	-2.491	849	.013	-.361	.145		-.646	-.077
	Equal variances not assumed			-2.501	781.286	.013	-.361	.144		-.644	-.078

Table 6.43: T-test for significance of different means according to tier for Q3.9

3.10 On a scale of 1 to 7, where 1 means strongly disagree and 7 means strongly agree (circle your choice as appropriate), how much do you agree or disagree with this statement:

“I would be concerned about the consequences of criticising my own party in public; in relation to my party's chances at the next election.”

Q3.10 sought to address a councillor's concern for vote-seeking and whether the objective of the party winning elections was a factor in maintaining discipline and following group rules. Respondents were expected to grade the statement according to the same Likert scale.

Descriptive Statistics									
	N	Range	Mean	Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
3.10 "I would be concerned about the cons of crit my own party in public; in relation to my party's chances at the next elec"	852	6	4.63	2.045	4.181	-.448	.084	-1.097	.167
Valid N (listwise)	852								

Table 6.44: Descriptive statistics for Q3.10

The mean for this question was higher⁸ than the mean for the preceding question (4.63) with a similar variance and standard deviation but a higher negative value of skewness, representing a clustering towards the higher end of the agreement scale. The kurtosis also indicated a less flat distribution across all responses in contrast to Q3.9. The histogram of results is presented below:

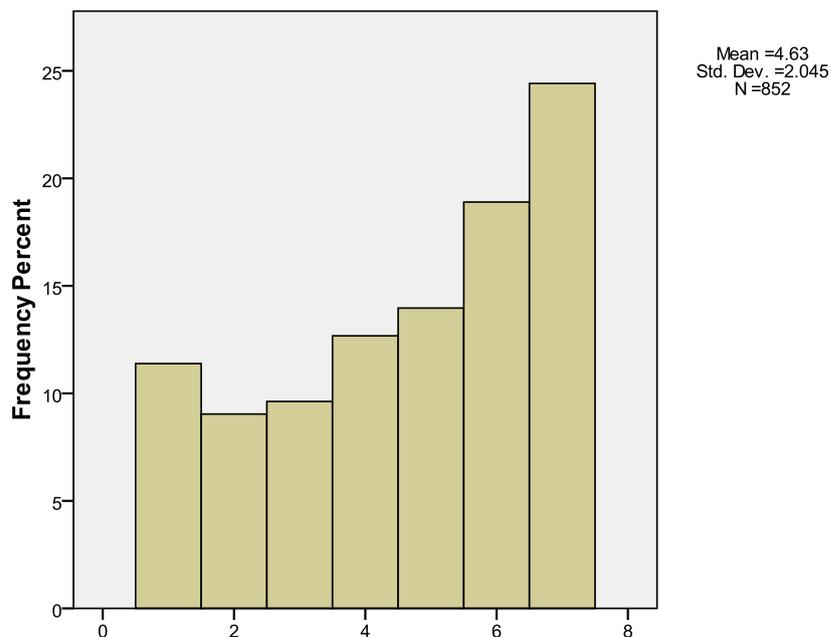


Fig 6.12: Histogram of responses to Q3.10 indicating level of agreement

In reference to an association with party, the means for each were relatively clustered but showed that Labour respondents feared the consequences of public criticism in relation to elections most strongly, with Liberal Democrat respondents fearing the consequences the least.

⁸ Using a paired-samples t-test, the difference in the means for 3.9 and 3.10 was statistically significant to $p < 0.0005$.

1.3 Political Party	Mean	N	Std. Deviation
Conservative	4.57	451	2.065
Labour	4.95	187	2.098
Liberal Democrat	4.47	214	1.932
Total	4.63	852	2.045

Table 6.45: Means of levels of agreement to the statement in Q3.9 by political party

In tandem with the results of the previous question, when testing for significance using a one-way ANOVA, it was found that there was a statistically significant difference between Labour and the Liberal Democrats; with Labour again more likely to agree that they would be concerned about criticising their party group in relation to upcoming elections ($p = 0.044$).

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	26.117	2	13.058	3.139	.044
Within Groups	3532.160	849	4.160		
Total	3558.277	851			

Table 6.46: ANOVA: Comparing means of political party groups to Q3.10

1.3 Political Party	N	Subset for alpha = 0.05	
		1	2
Liberal Democrat	214	4.47	
Conservative	451	4.57	4.57
Labour	187		4.95

Table 6.47: Tukey's-b post-hoc test of significance

Whilst there were no statistically significant associations when testing for whether the respondent was a chair / vice-chair or whether the authority had a majority party or not, there were statistically significant relationships with whether the respondent was part of an incumbent party or in opposition and by the tier of the council. Table 6.48 and 6.49 (*below*) show that the mean for Q3.10 was statistically significantly higher in upper tier or single tier respondents ($p = 0.019$).

TIER		N	Mean	Std. Deviation	Std. Error Mean
3.10 "I would be concerned about the cons of crit my own party in public; in relation to my party's chances at the next elec"	Lower Tier	358	4.44	2.018	.107
	Upper Tier or Single Tier	494	4.77	2.055	.092

Table 6.48: Means of level of agreement across tiers for Q3.10

		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
3.10 "I would be concerned about the conqs of crit my own party in public; in relation to my party's chances at the next elec"	Equal variances assumed	.157	.692	-2.350	850	.019	-.333	.142	-.611	-.055
	Equal variances not assumed			-2.357	777.175	.019	-.333	.141	-.610	-.056

Table 6.49: T-test for significance of different means according to tier for Q3.10

Similarly, table 6.50 and 6.51 (*below*) show that the mean for Q3.10 was statistically significantly higher from respondents who were part of opposition parties (4.96) than respondents in incumbent parties (4.52) ($p = 0.004$). Thus serving in an upper or single tier authority, being a Labour or Conservative councillor or being in opposition appeared to increase the concern for protecting electoral ambitions when considering action.

	Incumbent or Opposition	N	Mean	Std. Deviation	Std. Error Mean
3.10: "I would be concerned about the conqs of crit my own party in public; in relation to my party's chances at the next elec"	Incumbency	527	4.52	2.110	.092
	Opposition	266	4.95	1.911	.117

Table 6.50: Means of level of agreement across incumbency and opposition for Q3.10

		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Diff	Std. Error Diff	Lower	Upper
3.10 "I would be concerned about the conqs of crit my own party in public; in relation to my party's chances at the next elec"	Equal variances assumed	9.799	.002	-2.779	791	.006	-.427	.154	-.729	-.125
	Equal variances not assumed			-2.871	580.798	.004	-.427	.149	-.720	-.135

Table 6.51: T-test for significance of different means according to incumbency / opposition for Q3.10

5.1 Please rank how much you agree with the following statements using the scale from 1-7 – where 1 means you completely disagree with the statement and 7 means you completely agree with the statement.

5.11 *“If there is a problem in my ward that has been caused by a decision made by my own party, I would contact my group leader(s) to express my serious concern and try and work out a solution. There’s no point giving the opposition ammunition by opening up such a simple thing to wider debate!”*

Within section five of the questionnaire there were four statements relating to hypothetical actions that were feasible for all councillors operating in local government. Q5.11 related to a statement about a councillor acting in a vote-seeking capacity and taking an issue to the party, rather than to officers, to O&S or any other formal council outlets.

	N	Range	Minimum	Maximum	Mean		Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
5.11 Statement	854	6	1	7	6.20	.044	1.291	1.666	-2.134	.084	4.789	.167
Valid N (listwise)	854											

Table 6.52: Descriptive statistics for Q5.11

Results showed that respondents generally agreed to a very high level about this action, **indicating their strong agreement with vote-seeking as a responsibility of the individual councillor.** The mean was 6.20 and the standard deviation and variance were low. The data was negatively skewed showing that the majority of responses were clustered at the high end of agreement, along with a high kurtosis indicating that the data was peaked at the highest level of agreement.

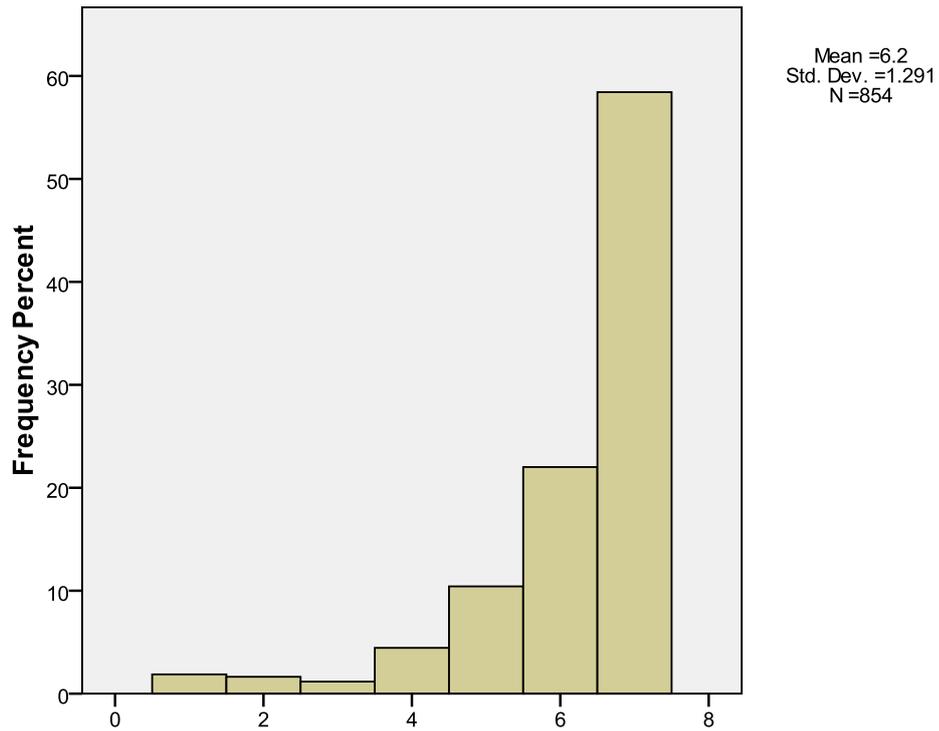


Fig 6.13: Histogram of responses to Q5.11 indicating level of agreement

Factoring in the party as an element, the highest level of agreement with the hypothetical vote-seeking action came from Conservatives (6.27) and the lowest from Liberal Democrats (6.09). However a one-way ANOVA showed that there was no significance relating to the party, demonstrating that all parties were equally as likely to rank agreement with the vote-seeking statement very highly. Testing the significance of council tier, incumbency vs. opposition, presence of a majority party and chair / non-chair respondents also resulted in no statistically significant relationships that could form associations with the level of agreement to the statement. The responses to the question indicated that all respondents were equally as likely to very strongly agree with this vote-seeking course of action.

5.12 *“If one of my ward constituents contacted me about a problem that they had encountered and it seemed like a sensible topic for an O&S investigation, I would try and raise the item in O&S first rather than taking it to my party.”*

Q5.12 posited a statement which generally corresponded to one of the legislation’s intentions of encouraging councillors to take O&S-relevant concerns to appropriate committees which had a remit to cover the issues involved, rather than taking issues to the party for possible political capital.

	N	Range	Minimum	Maximum	Mean		Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
5.12 Statement	853	6	1	7	4.00	.073	2.124	4.509	-.027	.084	-1.359	.167
Valid N (listwise)	853											

Table 6.53: Descriptive statistics for Q5.12

There was a much wider distribution of agreement to this statement, with the arithmetic mean at 4 with a high standard deviation and variance. The data was negatively skewed implying a very slight clustering round the higher levels of agreement but the kurtosis was negative and implied a flat distribution of responses.

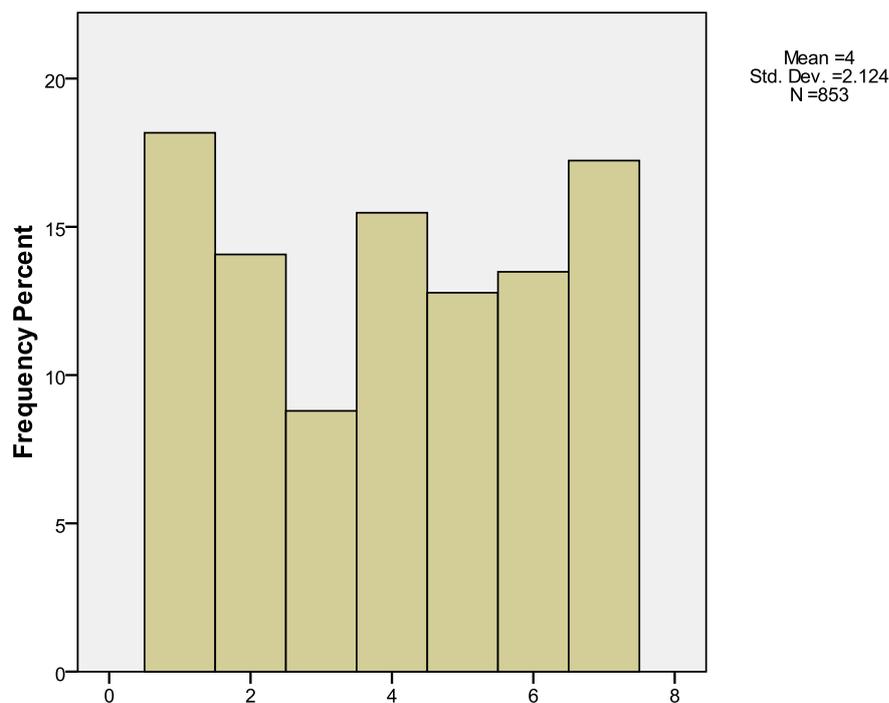


Fig 6.14: Histogram of responses to Q5.12 indicating level of agreement

Looking at the responses to Q5.12 through the lens of the party, Conservatives appeared the most likely to agree with this statement most strongly (4.03) but only to a marginal extent, as the Liberal Democrat party had only a slightly lower level of agreement (3.94).

1.3 Political Party	Mean	N	Std. Deviation
Conservative	4.03	451	2.141
Labour	3.99	189	2.192
Liberal Democrat	3.94	213	2.032
Total	4.00	853	2.124

Table 6.54: Means of levels of agreement to the statement in Q5.12 by political party

When testing the significance of the differences between the means, it was found that there was no statistical significance showing the party as an association. Equally, when testing the importance of council tier, incumbency vs. opposition, presence of a majority party or chair / non-chair respondents, there were no statistically significant relationships which affected the responses to the statement. The responses to the question indicated that all respondents were equally as likely to agree or disagree with the statement of the legislation’s intention.

5.13 *“My aim as a councillor is to make a difference to the lives of people by feeding into the policy process with my ward residents in mind. If I am unpopular in the party group it makes ‘making a difference’ much harder.”*

Q5.13 related to a policy-seeking councillor seeking to deliver policy through compliance with the party. The statement, like the others, was purposively exaggerative to provoke respondents to factor in both sides of the statement’s intention; both delivering policy for the councillor but through the means of remaining well-liked within the group.

	N	Range	Minimum	Maximum	Mean		Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
5.13 Statement	848	6	1	7	4.60	.061	1.779	3.166	-.469	.084	-.606	.168
Valid N (listwise)	848											

Table 6.55: Descriptive statistics for Q5.13

The mean for Q5.13 (4.60) was higher than the mean for Q5.12 (4.00) but not as high as the vote-seeking statement in Q5.11 (6.20). The negative skewness indicated that the responses were slightly skewed towards the higher levels of agreement but the negative kurtosis demonstrated that the distribution of responses was relatively flat.

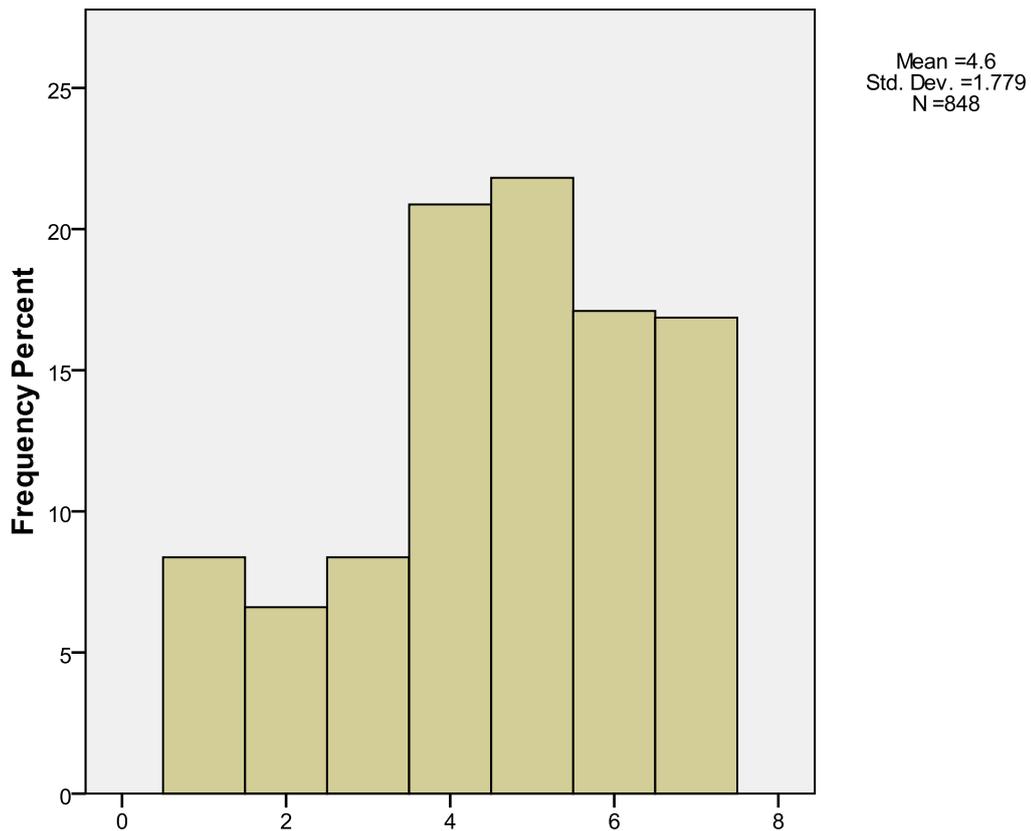


Fig 6.15: Histogram of responses to Q5.13 indicating level of agreement

When factoring in party with Q5.13, Conservative and Labour respondents reported higher levels of agreement to this statement than the Liberal Democrats, as displayed in the table below:

1.3 Political Party	Mean	N	Std. Deviation
Conservative	4.78	450	1.773
Labour	4.63	186	1.859
Liberal Democrat	4.19	212	1.659
Total	4.60	848	1.779

Table 6.56: Means of levels of agreement to the statement in Q5.13 by political party

When testing for the significance of differences between each party, it was found that there was a significant difference between the means of the Labour and Conservative respondents

and the Liberal Democrats. From table 6.58 (*below*), it was clear that the Liberal Democrat’s level of agreement to Q5.13 was significantly lower.

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	50.603	2	25.302	8.126	.000
Within Groups	2631.076	845	3.114		
Total	2681.679	847			

Table 6.57: ANOVA: Comparing means of political party groups to Q5.13

1.3 Political Party	N	Subset for alpha = 0.05	
		1	2
Liberal Democrat	212	4.19	
Labour	186		4.63
Conservative	450		4.78

Table 6.58: Tukey’s-b table for Q5.13 by political party

When testing according to the respondent’s council tier, incumbency vs. opposition, presence of a majority party or whether a chair / not a chair, there were no statistically significant relationships. The only statistically significant relationship showed that Liberal Democrat respondents were less likely to agree to remain pliant with the rest of the party group for the purpose of delivering policy.

5.14 *“It is reasonable to be expected to fall in line when it comes to agreeing with what the party asks me to do. If I am loyal to our cause I am more likely to get into a position of influence. With this wider area of influence, I can make life better for my constituents by having some control over the authority’s work programme.”*

The final statement in section five related to councillor compliance with the party for office-seeking purposes and achieving a position of influence for individual ends. The statement reflected respondents being willing to sacrifice individuality in the short-term (through loyalty to the group) for a broader range of influence in the long-term.

	N	Range	Minimum	Maximum	Mean		Std. Deviation	Variance	Skewness		Kurtosis	
	Statistic	Statistic	Statistic	Statistic	Statistic	Std. Error	Statistic	Statistic	Statistic	Std. Error	Statistic	Std. Error
5.14 Statement	849	6	1	7	4.28	.060	1.751	3.065	-.236	.084	-.801	.168
Valid N (listwise)	849											

Table 6.59: Descriptive statistics for Q5.14

The mean of all levels of agreement was 4.28 with a reasonably high standard deviation and variance. The mean was higher than that of Q5.12 but not Q5.13 or Q5.11. The responses were negatively skewed demonstrating a clustering around the higher levels of agreement whilst the kurtosis illustrated that the data was relatively flat in distribution.

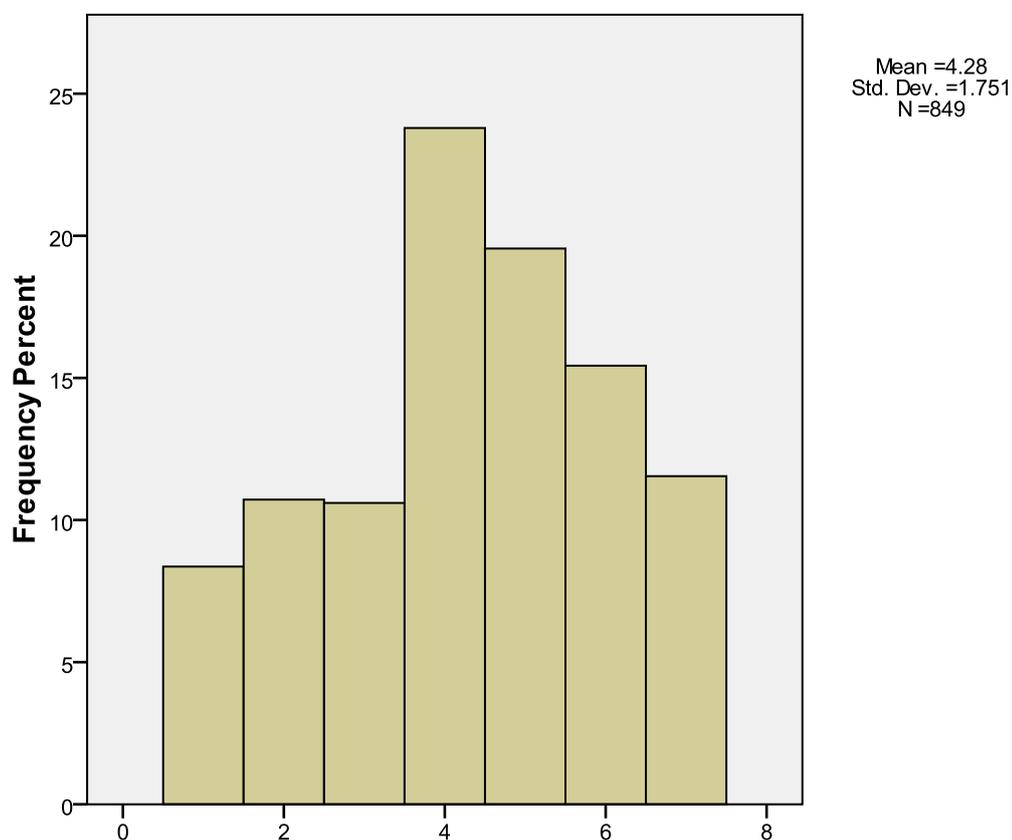


Fig 6.16: Histogram of responses to Q5.14 indicating level of agreement

When factoring in party as a factor, table 6.60 shows that Conservatives were the most likely to indicate the highest levels of agreement with the statement through a mean of 4.40 in contrast to Labour (4.18) and the Liberal Democrats (4.10).

1.3 Political Party	Mean	N	Std. Deviation
Conservative	4.40	451	1.762
Labour	4.18	187	1.865
Liberal Democrat	4.10	211	1.603
Total	4.28	849	1.751

Table 6.60: Means of levels of agreement to the statement in Q5.14 by political party

However, when testing for the significance of the differences in the means from each political party group, these differences were not statistically significant, thus indicating that the party was not a factor in the level of agreement. In factoring in whether the respondent was a chair / vice-chair, the presence of a majority, incumbency vs. opposition and the tier of the council, there were no statistical significant relationships that could determine the proclivity to agree with this statement.

Brief Summary of Quantitative Data

The quantitative data reveals some significant results relating to party group involvement in O&S, including strong signs that groups were using instruments to influence the outcomes of the work of committees. For example, 35% of respondents reported pre-O&S group meetings, 44% reported time devotion to O&S issues in group meetings and showed that a majority of local government (~ 55%) used group meetings to discuss the operation of the function. Whipping was also prevalent, with 26% of respondents reporting either advisory or explicit whipping in relation to their actions in O&S. Taken together, 62% of respondents had experienced at least one of these modes of group action on O&S. Respondents were also cohibited through briefings (25%), unlikely to speak against the group in public (Q3.7, Q3.8) and a minority of councillors reported castigative discipline in relation to O&S work (2.67%). Groups also played major protective roles in the structure of O&S, ensuring committee chair allocations and nominations to chair positions were tightly group-led.

However, quantitative data can only report the incidences of these occurrences without the benefit of the context of application and thus any intimation that group involvement in O&S has been for the express purpose of defending group ambitions would be wholly premature. The subsequent chapter explores the qualitative work in case study authorities which contextualise the variables under scrutiny in the quantitative survey research.

Chapter Seven: Qualitative case study research

Case study fieldwork

The case study research took place over a four month period. The observation element of the research took place between February 4th and May 18th 2010 and involved nineteen O&S committee observations at four authorities across England. Interviewing sixty members from within these councils, including all group leaders, took place between February 12th and June 22nd 2010. All contributions to the research were provided on condition of anonymity and as such the council name, location, characteristics, names and specific titles of members are concealed throughout. However, each study is given a profile to provide a milieu to the data collected at each authority.

7.1 Alpha District Council

Profile

Alpha Council covers a significant area in the North West of England. In the council year under research, the Conservatives were the majority, holding 65% of seats with a Labour opposition holding 33% along with an independent (2%) who had defected from the Conservatives. Elections take place in thirds each year, thus the elections to Alpha are held in three in every four years across the ward, with the county elections in the fourth. In terms of decision-making, the council adopted the cabinet and leader model when changes occurred in 2000. In respect to the history of the council's composition, the authority had followed national trends in terms of the declining popularity of the central Labour party's incumbency. In 1998, Labour had a majority of 10, declining to 7 in 2000 and thereafter the Conservatives took control and consolidated to a peak of a majority of 16 when this research was undertaken. The Liberal Democrats, whilst only contesting seats in more recent years, had not been able to achieve a seat in this authority. Relating to O&S during the year under observation, there were

three committees formed to scrutinise various aspects of the council and organisations outside the authority. The committee responsible for the work programmes of scrutiny, post-hoc scrutiny and holding to account the executive was referred to as the executive O&S, the policy development and review committee was known as the corporate O&S and a committee focused on external agencies was entitled the environmental O&S. Each of these committees were formed of eighteen members in proportion to the council's composition. Both the inward-facing committees dealing with pre- and post-hoc- scrutiny were chaired by the majority party, whilst the more outward-facing scrutiny committee was chaired by a member of the Labour opposition.

Research data

The following data from Alpha was collected from fifteen semi-structured interviews with members from both the majority and opposition and observations from three O&S meetings.¹ The format of the qualitative analysis will be through the seven variables assessing party behaviour.

VI: Local party group meetings

Pre-Overview and Scrutiny Party Group Meetings

When enquiring as to the possibility of group meetings which could be used as a way to formulate party perspective before overview and scrutiny, the controlling group at Alpha were very upfront in interviews, though less so during observation, about the need for party

¹References to individual councillors are in the following format for all councils within this thesis: **AD001C**, with the preceding letters indicating the authority (e.g. Alpha District), the number indicating the chronological order of collection (001 - 015) and the suffixed letter indicating the affiliation of the respondent (C = Conservative, L = Labour, LD = Liberal Democrat, LI = Liberal, IN = Independent). **Brief code backgrounds are given in Appendix B.**

meetings prior to overview and scrutiny committees. A majority group committee chair stated that the pre-meetings took place primarily for disseminating information:

'Each group has, sort of, a pre-meeting. [...] I suppose, a briefing, because you know yourself from the papers, you know, there's an awful lot of paper that goes into them. [...] The pre-meeting is really just to pass on that briefing to the other councillors. I suppose to give them the ability to actually participate if they wanted to. [...] The cabinet members could [be there] and are there, yes.'

AD001C

When questioned about the relative silence of the majority party in overview and scrutiny committee meetings, the leader of the majority group argued that pre-meetings were a way of addressing backbench councillor concerns in private rather than public:

'If people have a strong view, then I would expect those people to, within my own group, [...] to have shared that with me. [...] To suddenly find that you're being shot at by your own kind (I don't mind being shot at by the Labour group, I expect that and that's fair game), [but] to be shot at by your own colleague, I would at least expect it to be canvassed first.'

AD004C

A majority party chair also dealt with the silence of administration members in overview and scrutiny with reference to pre-meetings of the group as a route for intra-party scrutiny rather than inter-party scrutiny.

'You find the Conservative councillors very quiet because they already know we have discussions about different aspects of policy within the council and you're already aware and you don't ask the questions, because you've got the answer.'

AD006C

An independent councillor who had defected from the majority party but had also sat on a scrutiny committee under both labels claimed that Conservative group pre-meetings prior to overview and scrutiny were a way of solidifying a group line on issues raised in scrutiny. There was a specific reference to this happening in the executive overview and scrutiny committee, which was an arena primarily used to hold the cabinet to account:

'Certainly on the executive overview and scrutiny, as I've said, the sort of attitude on the Conservative side is that, well, this is being discussed at group meetings, it's being discussed in caucus [immediately prior to the meeting] and that's what was agreed, so, sort of, don't go against it.'

AD005IN

The concerns raised by the independent councillor were echoed by a Labour opposition councillor on the same committee:

'They have a caucus meeting and then when they have the caucus meeting; they are told by the cabinet members, "don't speak!"'

AD002L

However, the majority of comments about the use of pre-meetings of the group before overview and scrutiny indicated that it was the executive O&S where the majority group typically held caucuses beforehand:

'We have pre-meetings to ensure you're all singing from the same hymn sheet but [corporate scrutiny] doesn't seem to have that. [...] There are no specific meetings where I'm given guidelines by my leader to say we must go this way.'

AD006C

'On the external especially, there's no politics to it at all because we as a group [meaning committee] decide on what subjects we're going to have next.'

AD0014C

Concerning the Labour opposition, it was seen as unlikely that pre-meetings would be held prior to the executive O&S because of the numbers involved:

'I think there are only four members there, but what you do tend to find is its either [Cllr Name] or [Cllr Leader] who are doing the talking anyway, so you know, whether there's such a need for a pre-meeting, I'm not so sure.'

AD001C

This supposition that the two members, the opposition leader and a senior opposition councillor, led the discussion for their party without need for a pre-meeting, bore out in interviews with the members who sat on the executive O&S:

'We certainly don't seek to rehearse every line, kind of thing. You know, myself and [Cllr Name] are confident and competent enough to just go in and set out the case on the basis of the call-in. [...] I think your view will have been of largely myself and [Cllr Name] carrying executive overview and scrutiny and certainly that was the case.'

AD003L

Elsewhere on the other committees, other Labour members reported that pre-meetings do not occur because of a technicality rather than some ideological objection:

'We don't tend to hold a meeting prior to the committee, but normally that's because it's been discussed in the full group meeting beforehand anyway.'

AD009L

Time Devoted to O&S in Regular Party Group Meetings

Whilst respondents had reported that ‘caucuses’ took place only in one party, in specific circumstances, the occurrence of devoting time to agreeing O&S issues beforehand in regular group meetings was common across both parties. The leader of the council claimed that this was unavoidable due to a need to include his group in decision-making and thus bring scrutiny into the group rather than allow it out into the ‘point scoring’ of the public arena:

‘You have got the views of the political group before it even comes on the agenda. So it’s not a true ‘overview and scrutiny’ of documents and policies which have been unseen before they come onto the public arena. They’ve actually been discussed and seen and homed in, [...] because clearly you don’t want to deliver a policy which is unacceptable to your own group. [...] The scrutiny of cabinet decisions has already taken place within the group agenda process. [...] Criticisms, observations, directions, focus, important issues, yes. I mean our meetings are not necessarily docile but that is where the scrutiny is taking place.’

AD004C

In the administration group there was broad support for the party to continue to operate in this manner. As one member attested, the reason for discussing scrutiny issues within the confines of groups was to ensure that councillors had a suitable enfranchisement opportunity in decision-making and assured that any questions and criticisms as a result of disagreements were internalised to protect the public image of the party:

*‘You’ve already had a group meeting to determine what the cabinet policy should be [...] it’s already been debated, I wouldn’t say in full, but a decision of the ruling group has been taken on how those decisions should be made. [...] [Thus in scrutiny] you’ve got the press sitting there and if there are sensitivities, you probably don’t want to put them into the public domain. **If you were asking for a different route to be taken,***

then you wouldn't want to be seen. I suppose our members, the majority group members, don't want to be seen attacking their colleagues on cabinet.'

AD007C

Similarly the Labour opposition devoted time in their regular group meetings to deal with issues under consideration in O&S. It was recognised that time devoted to O&S in group meetings was to prevent damage to the party due to the possibility of public disunity. Furthermore, as their size on O&S was different from the administration, councillors mentioned that the group was an ideal place for a relatively small opposition to formulate a party line, to ensure the opposition was united together and subsequently more powerful in O&S.

*'If you've got [...] particular arguments that you wish to make, then you'd raise those in the discussion that you would have with the group. As a matter of courtesy, you'd normally run them by the Labour leadership. Ultimately, parties work in a way that you don't want to embarrass your party and cause trouble, unless you're set out on that course. [...] You'd look to have a unified voice on a particular issue, just in terms of your effectiveness in the debate. **If you are disparate, then it weakens your ability to get anything through, to make the case within the overview and scrutiny committee.'***

AD009L

Opposition councillors made reference to devoting time to O&S in party meetings and how the group translated its discussions at group meetings into action at O&S. There was also a specific reference to opposition group meetings being a place to generate questions in order to be delivered at committee. As a result, a councillor implied that it was almost rare to have spontaneous debate in the (corporate) O&S committee.

'It's quite organised. It's structured. We set an agenda, we look back at the previous meeting and then we take it from there. The leader will deal with issues that have come to light, then we'll highlight stuff that's appeared on agendas or is in the forward plan. [...] We hold our meetings on a Monday night and then we'll talk about upcoming scrutiny [...]. So we get our thoughts together, you know what I mean? You know what you are going to say, but sometimes you might say something else if something comes from the other side, but there's not a lot coming from the other side!'

AD010L

'There is a discussion about what we are going to call-in, what is relevant to call-in, post- the cabinet meeting and then perhaps a little bit more detail on what we are going to say and how we are going to say it.'

AD003L

Another Labour councillor was more pragmatic and less discreet about the nature of the regular party group meetings devoted to scrutiny as a tool to formulate a 'point-scoring' attack against the administration: *'we will discuss... and think about 'scoring' and whatever'* (**AD008L**).

Thus the regular group meetings of both parties dealt with scrutiny in a controlled way. For the majority party, the time devoted to O&S was part of the group's process to pre-empt dissatisfaction with cabinet decisions and thus public discourse on the outcomes. The non-executives within the group were readily involved in some cabinet decision-making before decisions were made and subsequently were allowed to scrutinise the actual decisions made, on condition that this was within the confines of the group. The discussion of upcoming O&S issues in private allowed members to *'have a go [...] point their views out where they think that the cabinet is going wrong'* (**AD014C**) but automatically precluded this from happening in public. As for the opposition, group meetings were designed for strategising and planning actions in the public meeting. Councillors reported that public questioning in overview and

scrutiny was often preordained and the party meeting offered a chance for members to discuss how to best score ‘political points’ in the arena.

V2: Pervasiveness of organisation

Holding to account

At Alpha the ‘executive O&S’ was a committee specifically nominated for the ‘holding to account’ role of overview and scrutiny. At an observation, the proceedings were found to be fractious and confrontational throughout. The committee met in the main chamber of the council, each party taking the wing of the room that they typically took at full council and the leader and cabinet were in attendance; sitting without distinction (amongst committee members) on their party’s benches. The bulk of the meeting was a series of exchanges between two senior opposition councillors and the majority party chair. At times throughout the meeting the chair refused to recognise contributions from opposition councillors:

[After multiple concerns raised by two opposition councillors] *‘On that basis I would suggest that the movement is that we have no concerns about the decision of cabinet, I’ll take that to be the mood of this meeting.’*

[After opposition councillors raised issue for a 2nd time] *‘It’s been taken on board. We don’t have to rescind, we’re not looking to change or to go back to cabinet.’*

‘I’ll take it that the mood of this committee is that we have no concerns to take back to cabinet.’ [Silence from committee]

Taken from Alpha Exec O&S Thursday 4th February 2010 [0:26:40 – 0:27:30]

Further context to the above extract from the committee observation was that no majority party committee members had commented upon the discussion. Ten from eleven majority party members did not make a verbal contribution during the 1h35m meeting. The

Conservative approach to being ‘held to account’ in public was pragmatic due to the history of these meetings:

‘...they use O&S as a bit of an opportunity to take pot shots at the ruling group. [...] You tend to find that most of our side, if there are call-in items, won’t participate. [...] They’re trying to make political points and [...], at this sort of time, with both local elections pending and possibly a national election, you tend to get a bit more of that [...] because it is a bit of point scoring. [...] You get Labour making points and they get reported and then that gets to a wider audience in the run up to an election.’

AD001C

Other councillors argued that this type of behaviour at this particular committee was not just restricted to times near elections and it was more of a majority party decision that this committee would not fulfil its intended role to hold to account the leader and cabinet in public:

‘Although officially there is no whip in overview and scrutiny, they are reminded quite gently that all the things that have gone to overview and scrutiny, they’ve actually agreed to in caucus and group meetings, so therefore, although there’s not actually a ‘whip,’ I think the whip is there in the background.’

AD005IN

The reason that the opposition members believed that the committee would never be an adequate vehicle to ‘hold to account’ was that the leader and cabinet were present for all meetings of the executive O&S committee, with or without being called to give evidence:

‘If we want you [cabinet / leader] to attend, then we’ll call you to the meeting and you should only be allowed to talk on that one item. What the Tories did, they amended the constitution to say that it is at the Chairman’s discretion whether the fellow could be allowed to speak.’

AD002L

'When you go into [O&S] meetings with the cabinet and shadow cabinet, that's when the political allegiances come out. "Well, we're the ruling group. You can say what you like but at the end of the day it's going to go through."'

AD010L

It had become accepted that the 'holding to account' role of O&S was not possible on a cross-party basis, thus the meetings of this committee were often only based around one theme; the opposition using the time in public to fiercely and theatrically criticise the majority party.

'O&S is treated as an environment in which the Labour opposition will come and, well, depending on which view you take, come and provide trenchant criticism or appropriate criticism or "come and have a go" kind of thing. [...] If I'm honest Mark, a lot of it is a political tussle. [...] I think "why do we bother?" because it is not proper overview and scrutiny.'

AD003L

'...it genuinely is a kind of tribal event that doesn't really produce anything and I don't believe, is, in any way, shape or form, effective.'

AD009L

Whilst the Conservatives remained silent in committee, whether through implicit whipping reported by the Conservative defector above, or the presence of their leader / cabinet, it was clear that the number of call-ins from the opposition (at least one per meeting) was seen as competitive behaviour as *'they wanted to try and make political gain [...] They don't really think they are going to overturn the decision'* (AD007C) Thus backbencher malaise observed and reported within the committee could have been purposive silence to rebuke the frivolous or *'political grandstanding'* (AD012C) points made by the opposition.

Policy development, review & pre-scrutiny

Councillors were more positive about policy development, review and pre-scrutiny. However each group claimed that the other tried to overshadow the evidence-based work of O&S. For example, a Conservative chair argued that the leader of the opposition, who did not sit on his committee, tried to influence the committee from outside:

'When [X] was coming in, he was coming in with things that weren't evidence based, but they were still within the recommendations [...] but slightly adrift, because he hadn't had the benefit of the evidence we had had.'

AD006C

Equally, the Labour opposition felt that the Conservatives retained control over the O&S because they discussed and decided issues away from the committees:

'[We] pick topics for scrutiny and when we put topics up, there is a veto because it's too politically sensitive for them to scrutinise it! [...] I put the item forward for a topic for scrutiny to investigate neighbourhood management [...] The Conservatives wouldn't have that. They said what we'll do is we'll investigate neighbourhood management, but neighbourhood management [and] financial implications.'

AD002L

Within the committee's work on neighbourhood management, the Conservative group made it clear that the work of the committee was secondary when it was the party group that would decide on more concrete recommendations:

'[Location X] is the name that comes to our mind at the moment, but the Conservative group will decide that. That will be a decision by the group, based on our recommendations.'

AD006C

Away from the controversial issues councillors were positive about the working style of the policy O&S committees (whether development, review or pre-scrutiny) and most of the methods for formulating work programmes:

'...we go through a system of marking it up. That's just done with the chair and vice-chair and the Labour. They have a system and we go through it and we choose from that. [...] Anybody is allowed to put forward a subject that can be discussed and so as far as I can see, it works quite well really, but it just depends on what subjects are put forward.'

AD013C

Alpha officers, with knowledge of the confrontational style of O&S, had also encouraged members to attempt innovative practice to work across group mandates. In order to base output on evidence, the committee formed a workshop in one O&S committee where the meeting split into two multi-party groups:

'You sit around in two groups and you come up with different aspects of it and you come up with what you can try, what you can't try. When you put them together at the end, [they] do finish up very similar and they become the recommendations. [...] When the two groups broke up, I ran one group and instead of the vice-chair running the other one, [...] I gave it to [Labour X], who is a completely different political animal to me and we still came up with the same recommendations, which is quite interesting really.'

AD006C

External scrutiny

The outward facing O&S committee at Alpha was named the environmental O&S but had previously been called the 'external O&S' without a change in remit. Most of the interviewed councillors argued that this was the least group-controlled committee because, as a Labour

councillor attested, '[councillors] *know the political pressure is off and the whip is not there. It's a little bit different, isn't it? You can have a bit of a free hand*' (AD010L). The committee was chaired by Labour but their leader felt that this was pacification rather than any reasonable commitment to genuine O&S:

'Environmental O&S has been largely emasculated and its fairly pointless anyway, which is why they are quite happy to hand it over, you know? [...] I probably don't give that one as much attention as I should because nothing ever happens because of it or through it. [...] the topics that the [committee] cover are irrelevant to the core functioning of the council.'

AD003L (Group Leader)

'...its lip service [...] and done so in a manner that basically means that there is little or no political cost to the controlling Conservative group.'

AD009L

A majority party member was surprisingly pragmatic about the reasons for the administration's decision to formulate the committee and its remit:

*'It used to be external because it meant you could only look at stuff that wasn't really the council, therefore it's very difficult to embarrass anybody, so they went and did things on the back of Jamie Oliver (!) [...] **Sent off to do something that they couldn't cause any trouble with!** [...] You know that scrutiny committee was just to keep, essentially, a few councillors happy and look at nice, touchy, feely things outside. I don't believe it was ever taken seriously.'*

AD007C

Other councillors stated their enjoyment of this committee was down to the fact that there was no proactive control over their behaviour as in the internal scrutiny committees:

'I felt a little bit better without the threat of a whip [...] I'm not saying everyone agreed with each other but it was a more relaxed debate.'

AD010L

'There's no interference by any external people [...] The portfolio holders [...] only see it after we have finished with it. They can't do much about it at all really, it goes through. [...] There is definitely no party whip.'

AD014C

However not all councillors were free of group control, even on the outward facing committee, as a Labour councillor was reprimanded by the leader for not following a group member in the committee.

'I did get told off after one scrutiny committee, because one of the Labour councillors turned up and he had a motion on the agenda that he wanted to talk about and he expected, because he was Labour, my backing. But I was not aware of what he was talking about, so I couldn't feel I could support him...'

AD015L

V3: Centralisation of policy formulation

Councillors of both groups at Alpha highlighted that a number of decisions were often taken by their respective leaderships, both with and without discussion, followed by an expectation that these decisions would be held and promoted at O&S level:

'The group leader needs to get the agreement of the group for the issues to go onto the agenda but there will have been a discussion within the group anyway, but more often than not, it is driven by the leadership.'

AD009L

'There are several decisions that the group has, sort of, taken, or the cabinet has taken. Because normally the cabinet takes a decision or decides what the line is, [and] takes that to group.'

AD007C

A Labour councillor argued that the risks were greater for the majority party, so the leadership cadre took active steps to centralise control of discourse in public:

*'Ultimately I'd imagine from the Conservative point of view, that they look at it as if, because the risk is greater to them, for one of their backbenchers to say something out of line, to "not fit" with the cabinet view or cabinet policy is much greater. **I think that because of that control within a small cohort of cabinet members, it therefore limits the scope of debates and the ability of other councillors and certainly Conservative backbenchers to engage in those debates. It's almost the strategy of "Say as little as possible. Get in, get out and leave it at that."** [...] Within the Conservatives, there is a view that it's not the role and the position of backbenchers to actively scrutinise the policy of the council, but actually prop up the decisions of cabinet.'*

AD009L

Whilst some majority party backbenchers didn't mind that the leadership made some decisions and expected support, some councillors disliked the way in which group meetings finalised debate on issues before O&S investigations:

'I'll be honest with you, because quite a lot of the things, by the time they come down to you, even to scrutiny sometimes, the decision has already been made...'

AD014C

'A lot of it is guided by the cabinet and by the "select" number of people, you know, who tend to carry the meetings.'

AD005IN (defector)

Equally for the Labour opposition, there was some disquiet in the ranks relating to the leadership dominating decisions on issues that carry an expectation of being followed in public:

'I've only been a councillor for two years, so you tend to be given the cold shoulder by the older members who "know it all," who have been there and done it all, you know? "What do you know?" you know?'

AD010L

V4: Preclusory discipline

Given the preceding it is not unsurprising that councillors reported that they were advised to act in a certain way at O&S committees. Specifically in relation to the two inward-facing committees, councillors reported that the Conservatives were bound by decisions, though Conservative respondents themselves stopped short of regarding it as 'explicit' whipping:

'[At county council scrutiny] ...it just gives you the opportunity to ask... you know? You don't seem quite as bound about asking questions [as in Alpha].'

AD007C

'You're expected to follow the group decision. [...] Although there's no official whip, the whip is there in the background. I think it's probably the same for Labour as well.'

AD005IN (defector)

According to an opposition respondent, preclusory discipline in the form of whipping in O&S and other council functions led the Conservative defector to leave his group and sit as an independent:

'The reason for coming out of [Conservative group], was that he felt [...] he couldn't fight for his constituents because of the rules of the party, the whip, they didn't give him that freedom.'

AD002L

Labour councillors were keen to imply that Conservatives were more explicitly and routinely whipped at the two internal committees:

'They take a very strong party whip [...] about overview and scrutiny.' **AD002L**

'The whip is used at scrutiny, unfortunately!' **AD010L**

For the Labour opposition, respondents were more open to reporting advisory and explicit whipping as a strategy of unification within overview and scrutiny, reporting whipping as 'light touch:'

'Even though a lot of these committees, you're not supposed to have the whip on you, I think a lot of people do feel as though they have to go with it.'

AD015L

'Both [group] meetings are fairly 'light touch,' you know? They're generally discussed at full group and by and large, it's yes, fine, go with it, you know?'

AD002L (Group Leader)

V5: Cohibition of councillor communication

One of the most noticeable aspects of observations of O&S at Alpha was the presence of the cabinet members and the leader, sitting indiscriminately within the non-executive committee members on the two O&S committees observed. Observations of the committees demonstrated that the cabinet often made the only contributions from the majority party in the committee. According to respondents, this happened regularly and the executive were

proportionately much more vocal than the Conservative non-executives who formed the committees:

*'In a way, if there is something which covers their field, then they are probably there to answer any questions. As to why they are **all** there, I don't know!'*

AD005IN

This phenomenon was replicated by the Labour opposition, with their leader attending committees that he was not a member thereof and making contributions:

'The Labour leader who was sat just in front of you [...] he's permitted to come along to any meeting and put forward different things. They have a more open gambit than we have [...] it can get more fiery because it's more like a council meeting.'

AD006C

Essentially, respondents saw this practice as restrictive in the committees and it was seen as a situation that led to fewer inputs from regular members and more self-censorship. This was true of the Conservative group, when one member raised the issue of patronage and member allowances in conjunction with cabinet involvement in backbench activity:

'...hence the reason why a lot of them sit on their hands for some of the things, because it's seen as solidarity with the ruling group. There isn't a real distinction between the cabinet and the rest of the group. [...] You're still constrained as a group. If you thought you'd got a career within the council, the position of leader carries huge patronage in the way the councillors get paid these days. There are significant amounts of money that go with it all. [...] There are some people who derive a significant part of their income from, especially some of the people on pensions [...] they are probably looking over their shoulder at that, before being seen to criticise!'

AD007C

Whilst **AD007C** expressed a view that councillors would be metaphorically and literally looking over their shoulders as a result of executive intervention within O&S, there were two respondents seen to be exceptions to this self-censorship and were able to transgress authority on the basis of their seniority within the Conservatives:

'If I feel that something's not right, [...] at the meetings, I actually say so: that I don't feel this is the way we should be going. [...] Perhaps I'm one of the few? But when you get over 21, like I am (!), you couldn't care less what people think, you have a tendency to say it as you see it.'

AD014C

V6: Administration of castigative discipline

Regarding castigative discipline there had been little use in any form against councillors except the informal warnings experienced by some members such as **AD015L** for the infraction referred to above. However, administration respondents were aware that such a healthy majority could mean that the threat of punishment for speaking against the group would be more likely:

'If you've got a little majority, then if somebody speaks out, they're likely to get away with it because you can't afford to lose. But if not, all you're losing is a vote for your group. If you have got a stonking majority and people mess around, then you're disciplined a lot more.'

AD007C

Given previous comments about the dangers of '*disparity weakening your ability* [as a group]' (**AD009L**), group meetings with light whips and the presence of cabinet and leaders at overview and scrutiny, it would not be unexpected that councillors might have feared castigative discipline and thus become more malleable to group wishes. The Labour group

admitted that discipline had been used in the past, but not recently, however could be used where councillors did not follow orders relating to public disagreement with the party. Other councillors believed that the general failure of O&S was due to the Conservatives' fear of discipline from the presence of the leadership at each meeting:

'Due process says that you shouldn't have a cabinet member there in scrutiny because it's intimidatory [for the majority party non-executives].'

AD002L

V7: Allocation of positions

At Alpha, the council leader made all of the appointments with a verification occurring at full council. The leader expected member nominations to be followed with little self-selection:

'That is one of the responsibilities of me as leader to decide who is the chairman and vice-chairman and I also choose the committee members. The full council [...] have to vote on those chairmen and vice-chairmen, and of course they follow the political desires.'

AD004C

Whilst the Conservatives could have allocated all chairpersonships to the majority group, the leader decided to allocate the chair of the environmental committee to the opposition. As highlighted above, whilst some Labour members were pleased with the allocation, it was seen as the *least worst* option for the Conservatives to hand them control of this committee:

'...there is no political significance to that. It's looking at external issues that [...] will not have any financial or resource implications on the council or a requirement for the council or the cabinet to pick up any of the recommendations of that particular committee, so again, for me, it's a lip service...'

AD009L

As for the nominations to the individual committees, there was group control in nominating regular members according to experience, with the most senior councillors being placed on the regarded 'most important' O&S committee:

'[Executive] is the 'senior' overview and scrutiny committee, as such, perhaps the slightly more experienced members might be on that, compared with some of the other ones, where they may be cutting their teeth a little bit more.'

AD004C (Leader)

'When the Conservative leader is picking his executive O&S committee, he's picking the ones that he knows will stick to the party line, you know what I mean? And the ones that don't will get put on other committees, less important ones.'

AD010L

For both groups, seniority was also the keyword for appointments to the chair roles of O&S committees. For example the Labour nominations for chairs of O&S had tended to be *'those more senior councillors, who at one time or another may have been leader of the group [...] or a more senior member of the group'* (AD009L). According to the Conservative defector, the method for choosing majority party chairs was often on the basis of who had previously been on the cabinet;

'The chairmanship is possibly a reward or compensation, because actually the chairman and vice-chairman of the executive overview and scrutiny are ex-cabinet members and they were given them as compensation for leaving the cabinet.'

AD005IN

In respect to the executive O&S, which both parties referred to as the most significant, respondents reported that the appointment of who would chair the meetings was clear cut:

'...he lost a cabinet position last year and so they needed to keep him sweet because he's a bit of a high flyer in the Conservative group.'

AD002L

'...they found him a position in which he can a) keep his reputation intact and b) operate 'effectively' for them.'

AD003L

However, the chair had a different perspective, indicating that whilst the role was given to him as a softener by the majority party group, it wasn't the same as being on the cabinet:

'I got kicked off the cabinet when they were changing leader, so I wouldn't say I was best buddies with the current leader of the council!'

AD007C

Nevertheless, in observation, the chair of the executive O&S, whilst undoubtedly having one of the most difficult roles, was especially aggressive and dismissive of the opposition, at one point repeatedly shouting for opposition members to *'shut up.'* Opposition councillors were aware that this was not the chair's fault and as a member of the majority party, rather than as a chair of O&S, was actually doing a good job:

[In reference to 'Shut up!'] 'I'm not blaming [X] particularly for that because it's all part of the culture, the culture of adversarialism within O&S. [...] To what extent he's been put into the chair of exec O&S because he is prepared to do that... [The chair] is either particularly good or bad at it depending on which way you look at it!'

AD003L (Group Leader)

Brief Alpha Summary

From the data collected at Alpha, it was clear that there was substantial group involvement in the operation of O&S, which involved pulling most of the levers available to the parties for

the purposes of protecting the goals of the groups. Using group meetings, advisory and explicit whipping, strong control over allocations/nominations and restricting councillor communication, both parties operated in such a way to acknowledge the dangers of the public arena of O&S and thus the possible electoral costs of leaving O&S untended by group involvement. Almost seen as an extension of full council, committees meetings provided an opportunity for party theatrics thought to be required to maintain party strategy (pre-ordained questioning) and cohesion (co-ordinated silence) in an arena where the public and press often attended. With the Conservative majority looking to protect their electoral interests through co-ordinated action, the Labour opposition reciprocated with equally tactical group involvement in the function.

7.2 Beta County Council

Profile

Beta County is a large authority located in the West Midlands and is responsible for the upper-tier functions of its constituent councils which lie within its borders. In the council year in which this research was undertaken, 72% of seats were taken by Conservatives, 14% seats by Liberal Democrats, 5% of seats taken by Labour and 9% taken by other parties or independents. Given the composition, the county council represents one of the stronger local government strongholds for the Conservative party. The council elects the whole council in four year cycles, the last such election occurring in 2009. Since 1973, the council has only either possessed a Conservative majority or reverted to a situation of no overall control. The strength of each party has often risen and waned according to either national politics (rise of Labour pre-1997) or emergence of local issues (residents associations, single-issue associations), but incontrovertibly the authority has seen comparatively high numbers of Conservatives even at the times of the lowliest popularity for its national party. At the time of

this research, the Conservatives had reached peaked at a majority of 25 at the council and this represented one of Beta's healthiest majorities in recent history.

With respect to O&S, there were six committees formed to scrutinise various aspects of the council and beyond. Five of the six scrutiny chairpersonships were allocated to the majority party, whilst the largest opposition chaired the overarching Overview and Scrutiny Performance Board (OSPB) which steered the work programmes of all of the other scrutiny committees. This board was also responsible for the process of call-ins of decisions and at least two members of this co-ordinating committee were required to initiate a call-in. The other scrutiny committees, each formed of eight members, were topic-divided into adult care, children, the environment and economy, health and resources and were able to initiate time-limited task groups.

Research data

The following data from Beta presented in this analysis was collected from fifteen semi-structured interviews with members at the authority from both the majority and opposition party and observations from five O&S committee meetings.

VI: Local party group meetings

Pre-Overview and Scrutiny Party Group Meetings

At Beta Council, respondents of both major parties (Conservative and Liberal Democrat) reported that pre-O&S group meetings took place in very specific instances. For example, the overarching O&S commissioning committee, responsible for organising the entire programme of scrutiny at Beta, was comprised of six Conservative members (five of whom chaired individual scrutiny committees) and two Liberal Democrats; one of whom had the only

opposition chair. Given the importance of this committee's role to oversee the function of O&S at Beta, the operation was often contentious enough to require group meetings:

'It is clear now that the group of six who I am working with are talking before meetings and on one occasion, during the meeting and we suspended the meeting and they had to do a group meeting and then they came back in and decided what they wanted to do... which was very unnerving!'

BC004LD

The Conservatives on this committee also took the unusual step of *post*-overview and scrutiny group meetings to discuss, in private, the implications of the proceedings of the committee:

'They went to see [Leader] after the meeting and said "Bloody [X] he's not doing as he's told. We're in charge, not him!" And that made for a very difficult pre-Christmas period and I wondered after Christmas whether the Tories might actually take the chairmanship off me and give it to one of them...'

BC004LD

'They all ran off and tried to get him reviewed. Oh yes! They ran to the leader and said they wanted him removed because he was challenging things. He was wanting to challenge the administration and they're not prepared to have that done.'

BC009LI

Equally on the Liberal Democrat side, Conservative respondents reported that the opposition also held pre-O&S group meetings in order to present a united case for wanting topics to be looked at within the function:

'There were some of his [Lib Dem] senior colleagues there, well briefed to say we ought to do this and we ought to do that and I thought "where are they coming from?" you know? There were things that they knew about, they were more experienced; there

were several of us who were pretty new round there. We had made a lot of suggestions, a lot of those suggestions got pushed to one side [...] and you think, hang on, well I'm doing this now because so-and-so suggested, but that person's not on my committee, [...] Because there was a forceful presentation by somebody who was aware in advance that they [had] had an opportunity and played their cards well, and you then think, we've been stitched up here!

BC011C

Time Devoted to O&S in Regular Party Group Meetings

In the broader sense of devoting time to O&S in regular group meetings, both major parties acknowledged the need and thus experience of this occurrence. For the Conservative respondents it was pragmatism to ensure that scrutiny did not descend into point scoring through controlling O&S in some way: *'If there are issues that could have a political impact, then yes, it is discussed at group meetings'* (BC003C). The main concern for the majority group was whether the scrutiny would be 'suitable' for public debate:

'We're not looking to undermine our own people and if we find there are gaps where there shouldn't be we might draw it to their attention [...] so they have an opportunity before it goes public to look into it and put it right'

BC006C

The Conservative leader was practical about the need for some time devoted to O&S in group meetings:

'I do think that you've got a number of very extroverted personalities who always aspire to be chairmen and usually end up being chairman [...] and they've always got their own view of things. I think what happens here is everything is kept under control by group meetings, which are always unanimously supported and defended.'

BC013C

The Liberal Democrat chair of the overarching O&S committee felt that this type of group block on O&S was unhelpful and predetermined the outcome of any investigations:

'We've got this kind of impotent arrangement, where the controlling group have decided that they want to control scrutiny and clearly talk about it and have meetings about it and you just wonder within their group meetings of 41 councillors... [...] the cabinet will be there, they will be saying to the group what they're going to do and it's all pretty much a done deal.'

BC004LD (Chair of O&S)

Equally, the Liberal Democrats, along with a Liberal councillor, also met in regular party group meetings and devoted time to discuss O&S issues. Respondents reported that group meetings often involved strategy relating to the majority party individuals involved:

*'If we talk about scrutiny in group, it's simply to do with, what shall we say? **Personalities and interactions(!)** [...] Because [X] is the scrutiny chair, I make a point of letting him talk to us, because he has access to a lot more information than the rest of us do about how things are going.'*

BC010LD

V2: Pervasiveness of organisation

Holding to account

Each O&S panel at Beta is topic-based and responsible for holding to account decision-makers within their subject. Across committees, there was concern as to the majority group's willingness to hold their colleagues to account:

'There's an immaturity amongst members of the controlling group that means that they're not confident or able or willing to offer any critique of the administration. [...]

They clearly feel under some pressure to ensure that there are no unforeseen hiccups as a result of scrutiny. [...] They are so nervous about anything that could be misconstrued as even a mild critique of something the cabinet is looking at.'

BC004LD

Conservative members almost agreed that, at the very least, there was some fear about the potential interpretation of their actions as a councillor in overview and scrutiny:

'I think there's a pressure [...] to toe the party line. Not say things out of step in public, and, you know, that's not so much pressure, it's the odd comment and you know you don't want to embarrass. [...] There were a couple of things on that [issue] that we should have got right and I didn't feel the least bit inhibited and at that point you think "Oh, God! This will be in the papers!"'

BC011C

This type of restraint was picked up by other opposition councillors who believed it was much more widespread across all Conservative members in O&S settings:

'An awful lot of them simply will not question their leadership, will never challenge. The leadership says "That is what we are doing," therefore it's right.'

BC009LI

In a wider strategic sense, Conservatives were willing to block opposition calls into looking at things that could potentially embarrass the administration by agreeing amongst each other to block intentions of other parties:

*'[Conservative vice-chair of OSPB] has been quite aware of where things are maybe not going the way he wanted and **the rest of us fall into line.**'*

BC011C

This type of block on O&S holding the executive to account led opposition members to comment on the ‘*wall of silence*’ (**BC004LD**) greeting opposition members in committee, where majority members blocked items that could have potentially caused embarrassment:

‘We were looking at the downturn in the performance of the revenues and benefits department [...] where the three component councils had been doing rather well [...] but there was a massive downturn [and] some really quite scandalous things not getting done at all and the Conservative line on this is, well, it’s all down to the local economy, putting pressure on Revs and Bens. The truth is that that is a component part, but there are other factors too, like the change in ICT [...] reduction of staff [...] changing work practices [...] and the moment you start to explore these other things, you’re greeted with a great big “that’s political stuff!” so the only bit of truth on the table is it’s all down to the economic downturn. [...] Actually, it is, in part, down to that, but there are other key factors within our control that are contributing [...] and the moment you try to have that debate and just look at the evidence, they close ranks and they say “next business.”’

BC004LD

Policy development, review & pre-scrutiny

Councillors of both major parties at Beta were broadly positive about policy development, review and pre-decision scrutiny in most areas. The existence of task groups and pre-decision scrutiny raised respondent’s hopes that the rest of the scrutiny function could do much better away from group lines:

‘...the evidence is strong enough for nobody to be able to wriggle out of the conclusions, which is why I like task groups, so you don’t end up in the same sort of arguments, because if you’ve got a really solid piece of work, the conclusions are unavoidable.’

BC010LD

Working together on pre-scrutiny and task groups indicated to members that these types of O&S were ‘*much less in the hands of the administration*’ (BC009LI). However even with policy development there were still group blocks in the function, such as the majority chairmanships’ topic selections:

‘They want to have a little look here and a little look there and then they go off in one direction, have half a meeting or something and then “Oh no!” we don’t want to go there any more, let’s go somewhere completely different...’

BC004LD

The reasons for the group control over O&S recently, including policy development, was purportedly due to the Conservative group suffering as a result of a previous injury from the function and had become wary as to its dangers:

*‘It came after that review of outdoor education centres, which ironically, we were holding up as good practice, but I think it was on the back of that, that they said no, bugger this, I’m not doing this again. They basically took charge of it [after this instance.] So it’s funny that one hand, they make the case that actually, this is good scrutiny practice here, you know, new evidence was found and “da, de, da, de, da” but it was that, **that** actually was the straw that broke the camel’s back. So they’re not going through that again, thank you very much! [...]Labour and Liberal Democrats both claimed that they’d saved the education centres through scrutiny and probably the Tories didn’t like that very much [...] so that was the end of that!’*

BC004LD

Fundamentally, the mindset of some non-executive Conservatives was that it was the majority party’s role (on the backbenches) to either accept or reject opposition party proposals within O&S, rather than deliberate:

'So long as we discuss it with them in a sensible rationale, we don't seem to be having lots of problems. In fact, I would say we've taken on board some of the things that they have suggested because we've thought they were better!'

BC006C

External scrutiny

In relation to external scrutiny, this role of O&S was predominantly carried out in the health committee. In terms of group involvement, there was little, if any, interference. Respondents argued that this was because they all had a vested interest in scrutinising the organisations of the NHS rather than each other:

'I laid out my stall in the beginning and said this was an apolitical panel, we're here to serve our residents [...] we are there to service everyone.'

BC002C

Despite viewing 'apolitical' as the antonym for group involvement, rather than councillors acting on their own views but not directed by their party, it became clear that external scrutiny was undertaken without considerable direct or indirect group intervention.

V3: Centralisation of policy formulation

In respect to the leadership of the groups at Beta, the majority leader was clear that in scrutiny, there was definitely an element of centralisation of decision-making with an expectation that decisions would be followed in committees:

*'We all try singing from the same hymn sheet and it doesn't always follow. **You might call it scrutiny; I call it "just being difficult."** [...] **What policies I agree, I've put them to them and if we agree that, we stick to that.** We don't have any dissension*

actually, so what we've got is a few individual members from time to time, banging on about things they are interested in, but there's nothing really serious.'

BC013C (Group Leader)

Similarly, the leader believed that anything coming back from scrutiny that didn't fit with the agreement of the cabinet was quite easily dismissed, from a decision-making point of view:

'If they are doing a scrutiny about bus travel, as an example, they'll come up with recommendations and we think it's a bit over the top and the way we get out of that is to say, "these recommendations will be considered but ultimately the decision will be the hands of the cabinet member and the cabinet." That's how we get out of it really.'

BC013C (Group Leader)

Backbench majority members recognised this '*when the needs must, the devil drives*' (BC015C) description of decision-making and thus the role of O&S at the council. Respondents suggested that as the council had such a large majority, it naturally followed that things must be driven almost exclusively from the top:

'I think the type of influence it has to have as no overall control to massive overall control is very different because one is very much challenged and the other one is very much working with the administration.'

BC003C

Given the small number of the Liberal Democrats, the level of centralisation of policy formulation was relatively indistinguishable as the group only just had enough councillors to shadow the directorates at Beta.

V4: Preclusory Discipline

The elements of preclusory discipline at Beta were quite subtle and related to organisational discipline in group meetings that led to lines within O&S. Specifically in three cases where both the majority and opposition took discipline especially seriously, such as when they looked at which issues should be added to the work programme:

'...whether it's decided whether it's something suitable to go to scrutiny, then there might be some discussion then...[in group meetings]'

BC007C

'[In reference to Liberal Democrats as guests at OSPB] they [had] had an opportunity and played their cards well, and you then think, we've been stitched up here!'

BC011C

More clear 'whipping' of a line in the Liberal Democrats involved reporting back to the group in order to formulate a party line to adhere to across the organisation:

'We all take back information [from O&S] and discuss what our stance is.'

BC001LD

The highest level of group involvement in terms of routine organisational discipline at Beta was the line formed by the majority party chairs of all topic-based O&S committees. The overall chair of the O&S function at Beta reported that meetings of the majority group occurred both before and after committee to ensure the proceedings were going in favour of the majority party. On the occasions where the events did not go their way, the majority party vice-chair of the board indicated to the chairs of the individual committees to solidify their reaction to the situation: *'the rest of us fall into line'* (**BC011C**).

V5: Cohibition of individual councillor communication

In terms of restrictions on councillors at Beta scrutiny, there were certain aspects of public deliberation that were restricted for majority members. For example, the vice-chair of the main O&S board was from the majority and took an active role in quashing the possibility of fully open discussion:

'I think scrutiny has the ability to be political and there are possibilities that the opposition may wish to score political points or make political tackle out of scrutiny activities and one of [my] jobs is to make sure that doesn't happen, so if there are issues that could have a political impact, then yes, it is discussed...'

BC003C

This type of group control might have led to members to act with more care in questioning officers or executive members at committees:

'Sometimes there is a feeling that, "well I shouldn't ask that question because it might embarrass the administration" whereas actually, in a way, as a cabinet member, you would prefer them to ask questions.'

BC007C

Highlighted by the council leader, there was little broad-ranging open scrutiny in public at Beta because intra-party scrutiny was much preferred:

'With an authority like ours [...] some scrutiny goes on, but it's all subsumed under the control of the executive.'

BC013C

From an opposition perspective the cohibition of majority councillors in O&S was the nail in the coffin for the legislation's intention for O&S:

‘The board [OSPB], having interrogated officers for a few hours, decided that it had nothing to say to the cabinet about the budget recently, which I find hugely embarrassing. Similarly there was no comment made about the new corporate plan [...] My vice-chair decided that the best way forward at the end of the meeting was to offer no comment on these things, which was utterly bizarre because some of the things we would have said would have been very complimentary! [...] As far as I’m concerned, we have elections every four years and for a short period in the lead up and after, there’s a bit of politics at play, but then things should settle down for the three and a half years in between. [...] That’s what happened in the past sometimes, but that’s not being allowed to happen at the moment.’

BC004LD

In relation to the work programmes, the chair of the overarching O&S argued that because of group obstructionism to O&S, the topics under scrutiny were relatively anodyne since the Conservatives had taken control of the function:

‘Scrutiny is there for you to, you know, there are no “no go” areas. You can really make a difference [...] but it’s as dull as dishwater at the moment. [...] In the middle of the last administration, [the Leader] decided, his Conservative group decided they wanted to take control of scrutiny and it was that decision at that point [which] was the end of a period where the council had been regarded as a good practitioner. [...] The moment the controlling group take control of scrutiny, are you really going to get that healthy dynamic that offers the challenge?’

BC004LD

The opposition Liberal Democrats had a different approach to the cohibition of their members in O&S, primarily due to the size of their group but also due to the wider council composition (as they had spoken about attempting clearer group strategy but found it unlikely to work):

‘[Lib Dem group lines in O&S] No, it’s just going to be a red rag at the bull at the moment, Let’s, as individual members of the Lib Dem group, make sure that we’re

contributing properly to scrutiny. [...] [The Lib Dem Leader] said “shall we?” and I said, no, we’re not in a position at the moment where we can do that.’

BC004LD

V6: Administration of castigative discipline

In interviews there was little concern with the prospect of castigative discipline as a result of members breaching group control in O&S. No respondent reported that controls were of such stringency that disobeying the group in O&S would lead to punitive action against the culprit. One majority party respondent highlighted that it wouldn’t necessarily be a serious problem (depending on the issue) but subtly highlighted that self-censorship was normal:

‘I suppose if you are naive enough to think that you are there to do a job and not worry too much about embarrassment caused to your colleagues, then no, there’s not a problem. If you want to take a slightly more sophisticated view, then you will probably try to hedge round the subject and maybe steer people away from something where you have perceived a weakness.’

BC011C

V7: Allocation of positions

At Beta, all of the chairs of the themed O&S committees were taken by the majority with the exception of the co-ordinating committee, which was chaired by the opposition. All the chair appointments were made by the council leader, with no self-selection, with the exception of the Liberal Democrat chair (chosen by the group): *‘obviously the group sorts out between itself who wants what most’* (**BC010LD**). The Conservative leader reported that his decision about the administration scrutiny chairs was centralised due a prior decision by the group to allow this to happen, but the leader did so on a meritocratic basis rather than loyalty:

*'They are allocated by me. [...] We always give the chairman of [overall] scrutiny to the opposition and it's up to them to choose who shall be that, but the other chairmen of scrutiny groups are all Conservatives. **They are all in my control.** [...] I seek to put people into position with the talent to do the job. Whatever views they have are irrelevant to me, [...] it's whether they can act as a chairperson and whether they'll drive it forward.'*

BC013C

The Liberal Democrat chair of the OSPB was especially disappointed with the allocation of majority chairs of panels, as the members chosen by the executive had served in an unusual prior role. The respondent indicated that Conservative chairs might have been 'groomed' for their positions:

'The people who have ended up on Scrutiny Board at the moment are councillors who had previously had some executive role. [...] They had been "assistant advisors" or "advisors to cabinet members," which carried a special responsibility allowance [...] but no-one understood what they did and those posts have now been abandoned and purely by chance (!) [...] have now appeared on the scrutiny board.'

BC004LD

'...I was a sidekick to a portfolio holder in Adult Community Services before, so I feel a little bit like I'm gamekeeper doing poacher work.'

BC014C

More worrying to the Liberal Democrat chair of O&S was the laxity with which the members had operated in the roles, reporting that the Conservative chairs generally disregarded the work of the function:

'He was expecting a cabinet post [...] and he didn't get it [...] so he ended up vice-chairing scrutiny and for four months he didn't really come along to any meetings and was just upset. [...] The board meeting last week, [...] one lady went within five

minutes of starting the meeting, one didn't turn up at all and one turned up an hour and a half late. [...] They are paid very good money to sit on that scrutiny board [...] that had been in their diaries for five months. [...] I'm sorry but that is awful!

BC004LD

Other respondents reported that this malaise was evident across the themed-committees beyond the co-ordinating board:

'There are some that either don't have the motor or don't seem to know why they are there and I suppose that's the disadvantage of political appointment, rather than "best for the job" appointment.'

BC010LD

In respect to the quality of the chair appointments to the O&S committees, the leader of the council acknowledged (and perhaps contradicted his previous 'meritocratic' suggestion) that they may have not, in retrospect, have been the best candidates for the roles:

'Some of them are really busy in their own lives and they're not as motivated as they ought to be really. Because they are not making policy decisions that the cabinet are doing, they are not the executive in other words.'

BC013C

At the very end of the interview, the council leader almost surmised that appointing these positions could indeed have been strategic, rather than meritocratic. For example, knowingly appointing poor chairs who wouldn't be as critical as 'good' chairs:

'Some are good at it, some aren't. Those that are good at it tend to be more critical than the others. [Laughter]'

BC013C

Brief Beta Summary

At Beta it was clear that despite being comparatively politically uncompetitive, the levels of group control were remarkably strong. The majority group controlled topic selection to a large extent through a tightly controlled co-ordinating committee which shaped the work programmes of O&S. Through the use of pre-, mid- and post-OSPB group meetings, majority chairs were effectively constrained by the group. Wider party meetings were also used as a way for the majority group to subsume criticism and avoid public disunity. Likewise the Liberal Democrat opposition, despite their small size, aimed to corral lines on policy through reporting back to group and agreeing stances and meeting as a group to discuss strategy to achieve their goals. Despite the levels of group control used to fulfil party ambitions by both groups, the display of involvement was more subtle than at Alpha and through observations alone, it would have been difficult to assess the extent of organisational interference.

7.3 Gamma Unitary Council

Profile

Gamma Council covers an urban area in South East England with over 200,000 residents. Seen by observers as a prosperous and thriving area, Gamma faces challenges unlike most other provincial urban centres. In the council year within which this research was undertaken, there was a Liberal Democrat minority administration (41% of seats), the Conservatives had one councillor fewer (39%) and Labour held the remaining 20%. The council elects by thirds and in recent history had a consistently Labour majority up until 2000 when the council fell to no overall control. Between 2002 and 2006, the council had a Liberal Democrat majority which was lost from 2006 when the Liberal Democrats lost their majority yet remained the largest party. Through to the time this research was conducted the authority has remained in no overall control with a minority Liberal Democrat administration. The change in

composition towards the time of research showed a steady trend towards the Conservatives and during fieldwork the Liberal Democrats were only the largest party by one seat.

Relating to O&S, there were seven committees formed to scrutinise various aspects of the council and wider service provision. The overarching co-ordinating body at the authority was the O&S management committee which commissioned items for the work programmes of all other committees. The OSMC was chaired by a member of the main opposition and was comprised of five members. A committee was also organised to deal specifically with call-ins, chaired by a member of the main opposition group, though no meetings of this committee had been held in the year under observation. The remaining five scrutiny committees, comprised of ten members, were theme-based around children, health, crime, economy and growth.

Research data

The following data from Gamma presented in this analysis was collected from fifteen semi-structured interviews with members at the authority from both the majority and opposition parties and observations from five O&S committee meetings at the authority.

VI: Local party group meetings

Pre-Overview and Scrutiny Party Group Meetings

At Gamma, respondents reported that only the largest party (Liberal Democrats) held group meetings prior to O&S sessions. This was primarily to ensure that topics of discussion were controlled by the group through the councillors of each committee:

'We get together a few minutes before the committee basically to see, first of all, whether we are all there [...] and secondly, to see whether there are any glaringly

obvious things that we must pick up or things that perhaps we ought to be avoiding, rather than anything else.'

GU001LD

'We come out of the group rooms beforehand, to go into the chamber [...] we will have come together and it's really a matter of sitting down together.'

GU007LD

This practice of pre-meetings before scrutiny was reported to be to the detriment of the committee as respondents reported that things could have been decided by the wider group prior to the committees:

'Do you know that they're often late arriving at the committee because they have been in a group meeting beforehand?' [...] The Lib Dems certainly seem to be in their group, with them, before they come into the meeting.'

GU008C

In respect to the Conservative party, 'pre-meetings' did not take place, though in observation, councillors from the Conservatives tended to meet in their group room before meetings. However this informality was distinct from the arrangement of the Liberal Democrats before committees. In respect to Labour, due to the number of councillors on each committee, pre-meetings did not take place, simply because they would usually only have one (or two) members with the group leader typically being one of these.

Time Devoted to O&S in Regular Party Group Meetings

Devoting time to O&S issues was a commonality across all groups at Gamma, but the intentions of doing so were slightly different for each. For the Liberal Democrats the purpose of the group meetings was to hammer out lines on issues in private rather than public, to ensure that conflict stayed behind closed doors rather than in the committee:

'If you sit in our group meetings and hear the fairly robust discussions that go on [...], whether they are on the select committee or not, if we are not happy with what the cabinet member is doing, rest assured, we will let them know in no uncertain terms and we do have some fairly lively debates within our group about what constitutes Lib Dem policy and what does not. [...] I can't think of a single situation in which there has been a glaring conflict between the cabinet members and the backbenchers at a select committee. [...] I don't know of anyone in our group who would have a problem and say, well, I don't support this [in select committee] and I'm not going to go along with it.'

GU006LD

The regular Liberal Democrat meetings took place twice a month, with one dedicated to the day-to-day management of running the council and the other devoted to policy issues, such as those under discussion in overview and scrutiny:

'...the other one [group meeting] is mostly restricted around policy discussions and we could be looking at policies from right across the council but we'll bring those policy issues there and we'll probably have a presentation from a cabinet member and then we'll have a thorough group debate on it, so in that regard, I suppose it feeds into scrutiny.'

GU006LD

For the opposition parties, raising O&S as a discussion at group meetings was dependent on the significance of the issues under consideration and was less formal:

'[O&S] is something that is discussed especially if there are important things coming up or if they are of significant importance to certain areas. For instance, if we get something coming up on the Partnerships and Growth [O&S] [...] if there is something important to discuss, we will discuss it at group meetings.'

GU009C

However the group leader of the Conservatives was keen to point out that the meetings, whilst discussing O&S, would not necessarily be used to strike an explicit line amongst members, but ‘assist’ members through discussion:

“If there are things that worry you, come back and let’s discuss it in group.” I don’t send people into a group meeting with ‘that’s the way.’ We don’t sit in here and huddle before scrutiny and agree a planned attack of what we are going to say.’

GU003C (Group Leader)

As for the Labour group, O&S was discussed in group meetings but only with reference to policy under discussion and mandation:

‘...what we tend to do is cover a couple of policy items to a meeting and then for broader items or matters of particular concern...’

GU002L (Group Leader)

V2: Pervasiveness of organisation

Holding to account

The role of holding the administration to account within O&S was unusual at Gamma. Given that the authority had a minority administration where it was often necessary to take a consensual approach to decision-making, there was a understanding that the executive were undertaking decisions with some prior consent from the other parties, thus ensuring scrutiny could be destructive to all parties involved ;

‘If I take the special collection item again, no party would have wanted to have been seen to be a party that wanted that to be examined, not because they were looking at it in budgetary terms, but simply because they knew the press headline that would follows. They’d be afraid that they’d get a headline. “At a council committee last night, the “Whatever” party proposed or considered or suggested that this controversial

charge should be introduced or investigated.” So I think it is that fear of bad publicity has driven scrutiny towards a certain blandness.’

GU010LD (Leader of council & Lib Dem group leader)

The vested interests in some decisions or at least the airing of grievances from the opposition parties at the time of decision-making was a relatively new development at Gamma, as the new Liberal Democrat leader had a more conciliatory approach to decision-making:

‘[X], I think, in his style, recognised it was much better to give the opposition their say at cabinet meetings and quite often [in the past] call-ins were there because the opposition got so frustrated with [Y] who would not listen to the arguments. Well, she wouldn’t even allow the argument to be put, never mind when it was put. [Y] very arrogantly just continued with the decision, until the opposition just simply said, either listen to us or, you know, have a debate now, or we’ll call-in and she never got the message.’

GU008C

As a result of the new leader’s pre-emptive assuagement approach to the opposition parties’ influence on decision-making, the ‘holding to account’ role of O&S may have become less prevalent in committees because of the collective responsibility of some decisions:

‘I didn’t feel we were doing anything of particular note, you know? [...] We had people coming and telling us what was happening and we said “oh, yes, that’s lovely, isn’t it?” [...] I certainly didn’t feel that we were really getting into something and finding out if it was working and if it was being done in the right way or even if it should be done at all, do you know what I mean?’

GU013L

‘...it’s imparting information and there is no real scrutiny and no real outcome, it’s just: “how wonderful are you?”’

GU001LD

In respect to the Liberal Democrat backbenchers and their role in holding their colleagues to account, there was admittance that this was only necessary in specific circumstances where there were limited options for alternative recourse:

*'From my own group, we try to list very simple, say six or eight promises to the public, the electorate. [...] If there is any possibility of eroding any of those promises without good cause [...] we've got to be open and honest about it. [...] Our instinct is to support the cabinet member, the decision made, because we know the basis upon which it was made and what our promises were, therefore we have a duty to assist it [...] Within that [O&S] framework, when it comes to things like important issues, like what we promised the electorate, **then that's all carved in stone. If it's "we need to win X more seats in the election" we forget differences and we all pull like mad.***

GU015LD

Policy development, review & pre-scrutiny

Respondents at Gamma adopted a broadly sanguine perspective about policy development, review and pre-scrutiny at the authority. In particular, the leader of the council reported that pre-scrutiny was an area that the O&S function was good at performing:

'Where I think it has worked better are first of all, when they get things before the executive have taken them over [pre-scrutiny]. In other words, at a very, very early stage, when they can be moulded, if you like, into a policy paper. [...] The problem is that by the time you get to something that has already been agreed by the cabinet or is about to be agreed, the parties are beginning to talk lines.'

GU010LD

The other O&S areas which respondents did not consider to be susceptible to excessive group involvement were task groups, which offered space for councillors to debate evidence:

'...it was three councillors, [one] from each party. [...] There was an ease amongst members about how it was working out and whether we were on the right tracks and when the three of us sat around the table [...] we disagreed with some of the findings unanimously, agreed with some of the findings unanimously and said, this is absolutely the right thing.'

GU001LD

'...we've learnt to be much more thorough and avoid ideological arguments around developing recommendations to cabinet and where good evidence-based recommendations have been presented, they have almost all, without exception, been accepted.'

GU011C

However, away from pre-scrutiny and task groups, policy development and review tended to be more strictly controlled by the groups, either in controlling councillor communication via group input or deliberate thematic evasion to prevent embarrassment:

*'Obviously there is a group / party policy on issues. For example, we would not be best pleased with a spokesperson [in O&S] who advocated 5,000 services without bringing it through the group. That's sort of a major policy. If there was an item on the agenda that clearly challenged our policy or where we didn't have one, we would expect that to be raised at a group meeting and **we would expect the group to form a view and then we would expect our representatives to follow policy broadly.** [...] We don't whip in any sense, we're not allowed to by national rules anyhow, so we wouldn't whip at an O&S meeting but we would expect!'*

GU002L (Group Leader)

'I think there is a tendency on the part of all parties to go for less controversial items and not least because of the press.'

GU010LD (Council Leader)

External Scrutiny

The topic of external scrutiny was only raised by respondents in relation to the health committee. Overwhelmingly when referring to examples of successful scrutiny devoid of group involvement, it was this committee that was used as an example:

'I think it has worked surprisingly well. I think [X] said something about health scrutiny seeming to work better than most. Whether it's because we're not being political really at all, because mostly the health people, not always, but they are mostly outside political boundaries.'

GU005L (Chair, Health O&S)

However the chair of the health O&S committee was quick to point out that the work of the committee was in essence, partially controlled by the more group-controlled O&S management committee, which directed its work programme from above:

'We have to go to the overview and scrutiny management committee, who may say, you know "don't do that one." [...] They don't usually get heavy handed. [...] I don't decide on the [topic]. It's not quite the same as it used to be, that the chair "owned" the agenda, but they don't really, it's a joint thing.'

GU005L

V3: Centralisation of policy formulation

In observations at most O&S committees attended, the typical situation was that all three group leaders were often present, either as regular members of the committee (Conservative, Labour), as substitutions for their party (Conservative, Labour) or monitoring proceedings (all parties.) At times throughout the committee proceedings, group leaders **would actively halt discussions** and request that the topic under consideration was held off in order to be spoken about elsewhere:

'I do think that, talking as the three group leaders [...] that would be the most appropriate way forward...' (GU003C)

'Can I just say, as a member of the committee, I actually find this a little bit difficult because carrying on talking [outside] as three group leaders? "Let's talk as the three leaders?" This is a committee; it's not the three leaders!' (GU001LD)

Taken from Gamma OSMC Wednesday 10th March 2010, [2:20:20 – 2:21:01]

This situation was also common across the other committees and one of the leaders would often interject with a request that the subject could be dealt with in private. The council leader argued that these private meetings were a way of controlling the public debate:

'I have certainly convened meetings in my office of all three parties. It's become known as a kind of neutral meeting place [...] because the big thing we've all been trying to avoid is not so much the press in this particular case, it's the executive scrutiny, as we call it. That is the call-in procedure. [We have a] mechanism of having "offline" meetings whenever there [is] a problem.'

GU010LD (Council Leader)

The opposition leaders were also in favour of moving O&S issues into a private space when topics could be 'better' dealt with inside the smaller group of leaders:

'[informal leader meetings] work well and I think that has got a lot more to do with the personalities of the group leaders and [Leader]'s openness to work together, as opposed to when [Former Leader] was in charge.'

GU003C (Conservative Group Leader)

'The three spokespeople of the three parties meet to plan the agendas and then we expect our spokespeople to bring significant items to our attention [as a group]'

GU002L (Labour Group Leader)

As a result of the private leader meetings away from O&S, there was a corollary of sidelining the committees as vehicles of deliberation. Respondents highlighted the consequent problems as results of the ‘offline’ meetings:

‘It was a desire of the three leaders to try and be the “problem solving.” That meant they went to a lot more committees than they would have done, had the system been functioning properly. One of the things it did do, is it meant that people who were supposed to be doing the scrutiny then allowed: “Oh well, my leader can sort it out.” So it allowed them to not do their job as effectively as they should have done.’

GU012L

Beyond backbencher concerns over the disenfranchisement of scrutiny roles, some respondents argued that these private meetings were pragmatic and ensured that all parties were protected from the public:

‘Things can be, not shortcutted, but brought to a resolution more quickly if they do meet and talk and get the feeling of the group and do it that way, rather than do it in the public, when everybody is on their own little platform and hobby horse and hoping the press are there and watching them, you know? [...] As far as [Labour Leader] is concerned, I feel that he’s made a pretty good fist of representing the views of the Labour party.’

GU013L

However private meetings of the group leaders about O&S led the proceedings of committees to be dominated by the possibility that things *should not be under discussion at all* and rendering the process anodynous and lacking in substance:

‘All members are quickly aware if there is a political dimension coming in [...] ...we very quickly, you know, “across the table nods” and we understand each other.’

GU015LD

V4: Preclusory discipline

Forms of organisational preclusory discipline within the O&S function at Gamma were evident across two parties (LD and Labour) but utilised in different ways. For the Liberal Democrats, given the previously highlighted group pre-meetings before O&S to discern ‘things that perhaps we ought to be avoiding, rather than anything else’ (GU001LD) the group played a clear precautionary role of controlling O&S in public. This was evident across some topics raised in O&S where Liberal Democrat backbenchers effectively toed a group line by remaining quiet when their cabinet colleague’s decision was under scrutiny:

‘The administration wanted to install [X] and the public and everybody else was very much in favour of the fact that it shouldn’t be that [...] I think it was fairly obvious what was going to happen. The members of the [Lib Dem] group stayed pretty quiet. One of them spoke out, but she’s fairly outspoken anyway, but the rest of them stayed pretty quiet in what they were doing.’

GU009C

For Labour, preclusory discipline was a matter of disseminating the policy of the group and expecting this to be followed through in aspects of O&S, but without explicit mandation:

‘It would be quite likely that the group will have agreed [on the policy]. The 10 of us have a broad understanding of what our policy is and it would be quite strange actually if that didn’t impinge on the meeting, but we don’t send our spokespeople committee representatives to meetings saying, thou shalt vote this way or thou shalt vote that way.’

GU002L

The Conservatives tended not to report formal preclusory discipline for most issues in relation to O&S but did mention an ‘advisory’ perspective on important issues but with no direct compulsion to follow:

'...if there's something important to discuss [in O&S], then obviously, we will discuss it at group meetings, but it's not, you know, there are no group lines taken, there's no, you must say this, you mustn't say this.'

GU009C

A respondent highlighted that one of the most important factors in O&S with respect to the group behaviour was the importance of the issue and thus interest in the topic from the media:

'...there is a very, very strong influence if the press are there, because [councillors] will stand up to try and score points, you know, because once the press goes, you see a different attitude.'

GU007LD

V5: Cohibition of councillor communication

Across the five observations at Gamma, all group leaders were in attendance at each, whether as part of the committee or in attendance (sitting behind the committee.) Respondents reported that this was typical of all groups throughout the year:

'The current leader attends all scrutiny meetings, more or less, even if it is for part of the time, just to gauge the temperature, but the previous leader did not and there is no requirement for them to do so. What [Leader] does is actually arrive with a pile of papers and instead of working in his office, actually works in the committee, so that he can hear what is going on.'

GU001LD

'The group leaders like to keep fairly closely in touch with what's happening, not necessarily to sit as a sub. Sometimes they sit in the audience, sit on the sidelines and I think that it's right that the group leader should have a clear feel for what's going on.'

GU004C

The reported reason for this, according to one leader, was not to answer questions (as reported at Alpha) but to support their group. In observations, this was generally borne out apart from incidences where group leaders would actively partake in the meeting and suggest taking issues to a private leader meeting (see V3).

‘[LD Leader] attends a good lot of scrutiny meetings and has done ever since he started and actually, so do I, as leader of the opposition. I sit on none, I sub on a good number. [...] I’ll often just turn up to have a look to see what is going on. I think it’s fundamental to hear what people are saying and then be able to support our groups.’

GU003C (Group Leader)

The Liberal Democrat leader gave more pragmatic reasons for viewing overview and scrutiny as an important enough arena to require attendance from group leaders:

‘I think it’s across all of the groups, because we are all very conscious of how we look in the press and the press hasn’t really taken the point that this is a forum in which people can speak free of party discipline and so its, you know, you can get bad headlines. “Council committee proposes [X],” the press doesn’t realise that in fact that particular council committee doesn’t actually have any power.’

GU010LD (Leader of Council)

The consequence of the presence of all the group leaders at O&S was a sense of cohibition by proxy, given some members believed that it had an impact on what could and could not be under discussion and what areas of criticism should either be allowed or focused on:

‘I get the feeling that there are many Lib Dem councillors who have not felt that they are able to say what they want. I think maybe, because it was their leader that they were talking about so it’s more difficult, isn’t it? For them “to be allowed,” in inverted commas, to do that.’

GU013L

'I do get a feeling that a lot of the [councillors], especially the Lib Dems, are toeing the party line'

GU008C

'There are some people there [...] no matter what happens, will never criticise one of their colleagues, no matter how in need they are of a criticism.'

GU009C

Some members reported that the consequence was that there were issues that needed to be completely avoided and carefully managed in O&S to prevent the gift of electoral ammunition for the opposition:

'Anything that you say in scrutiny, if you are daft enough to say something like, or a senior member like me to say "Well, actually, car parking charges should double in central [Gamma]." Well that could be picked up and put into somebody's leaflet, as the Lib Dems want to double the car parking charges and so you need to be a bit more careful about one's pronouncements.'

GU001LD

V6: Administration of castigative discipline

The administration of castigative discipline was a topic mentioned in respect to the authority but not typically in relation to O&S. Due to the knife-edge balance of the authority, leaderships of the respective parties took a pragmatic stance towards punishment as there had been some recent history of councillors resigning party whips to sit as independents:

'If you start over-disciplining people, they might say "I don't need to take any notice of you, I'm going to become an independent, so what are you going to do about it?" If you are 21 to 20 and you lose one, you will upset the balance and that works for the others as well.' **GU001LD**

Unusually clear in relation to the other case authorities, the largest party at Gamma had two distinct factions whose membership ebb and flow dictated the choice of leader from one year to another. These factions often had different approaches in respect to inter-party relationships as evidenced from discussions of the approaches of the current leader and former leader above. For example, the self-titled, geographically eponymous, ‘Epsilon Mafia’ faction could have been more likely to command respect than the group itself, even if that which the ‘mafia’ might have been demanding was loyalty to the wider party group:

‘Any telling off comes from me! [...] You might have a quiet word, oh you know, “I think you might kind of watch it.” Of course the ultimate weapon is to say to somebody “you do realise that if you carry on like this, you won’t be reselected to stand for this seat again.”

GU001LD (Leader of faction: “Epsilon Mafia”)

Despite this schism in the Liberal Democrat group, the party as a whole typically stayed loyal to the wider party in committee (rather than reverting to factionalism in public) but administration of castigative discipline, if/when occurring, might have been more likely to informally come from the faction leaders relating to appropriate behaviour in O&S:

‘The [Epsilon Mafia] have continued to influence those backbenchers that would like to be back on cabinet and so on, so I think there is a little bit of backwards pressure and all the rest of it.’

GU004C

V7: Allocation of positions

Due to no overall control, the decision about the allocations of chairs to each group was not decided by the leader of the largest group. Instead, the leader of the Liberal Democrats met in

private with the leader of Labour to discuss which chairs should be allocated to which party and which individuals should be chosen; referred to by respondents as ‘horse-trading’ (GU006LD) with ‘sabre-rattling’ (GU007LD). In this way the nominations were likely to be accepted because of the numerical advantage in council:

‘The actual meeting is certainly not a discoverable meeting, it’s a very private meeting between the two leaders really. [...] It is sometimes said that so-and-so would be an unacceptable candidate and so-and-so wouldn’t and if you got two of those, you can usually meet some sort of conclusion.’

GU002L

In the previous year, the opposition took all of the chairs of O&S, however, because of the Labour and Liberal Democrat agreement and the arrangement effectively excluding the Conservatives, the Liberal Democrats obtained two chairs from the deal and Labour were awarded two chairs, proportionately more than their share if the committee chairs had been allocated according to proportion on the council. The result (2 LD chairs, 2 Labour chairs and 2 Conservative chairs)² was seen as a deal that reduced disquiet amongst Liberal Democrat backbenchers at being excluded in the previous year and a success for Labour which had retained their chairs despite losing seats. Conservatives did not think that the allocations were fair due to an O&S committee being invented for the purposes of allocations:

‘The administration did a deal with the Labour group and added an additional committee that partly wasn’t really necessary, but really to share the chairs out [with] the support of the Labour group [...] and the administration would get some additional chairs. [...] There was too much “hand in glove” between the caucus of movers and shakers in the administration and those who became chairs of select

² For clarity, respondents only perceived of six committees and chairs instead of seven (as the official number) since the executive scrutiny committee had essentially served as a nominal committee in the past and would only meet on an exceptional basis.

committees.[...] There was a “done deal” behind the scenes to add this additional committee and if you like, get some support for voting for who would be chairs.’

GU004C

Another Labour respondent saw the opportunity as a way to prevent certain individuals getting an important position and ensure those that did get the position were the right ‘group’ candidates:

...it’s a mixture of who can we force to do it and how do we stop one or two people doing it. [...] It’s about stopping individuals and promoting certain individuals, rather than about which is the best talent to...’

GU012L

The deal certainly raised eyebrows in relation to granting the Liberal Democrat backbenchers the chair of the ‘*most important*’ committee at the time for Gamma:

‘Especially the growth area, which is probably one of the most important things for Gamma. I don’t think there was anybody who was happy with having chairs of those committees coming from the administration group, you know? There were a lot of people who felt scepticism. However it was a deal that was done.’

GU009C

In terms of deciding the nominations for groups to put forward as candidates for chairs, the Liberal Democrats held ‘*internal elections*’ (**GU015LD**) before the private meeting, Labour had two candidates in mind for the meeting (retaining roles) and the Conservatives had no real choice, thus the two leaders chose a chair who offered his services: ‘*he was sort of volunteering for that and we couldn’t see anyone better*’ (**GU002L**). In terms of regular members of the committees of O&S, there was a similarity across each party group that self-selection took priority over group appointments:

'The group leader and the deputy leader decide which committees people do, but there's always, you know, what would you like to do, where are your interests?'

GU009C

Regardless of committee nominations, one issue that was raised by respondents and noted in observations was the number of regular substitutions within each committee. These typically involved group leaders (Labour / Conservative), who would otherwise have been monitoring proceedings, stepping in on behalf of one of their members:

'...there tends to be quite a movement of who turns up, you know? [...] There never seems to be a consistent membership!'

GU008C

Brief Gamma Summary

From the evidence provided at Gamma, there were strong signals of group control over the function of O&S. Whilst using the expected levers of party involvement to constrain the operation of the function individually (group meetings, light whipping, centralisation of policy formulation), the elements of group control (offline meetings, negotiations to prevent call-ins and press attention) bordered on collusion to prevent embarrassment for all parties because of the collective investment in decision-making. Ultimately, due to the nature of inter-party collaboration, O&S was equally as constrained by all the groups as it was by the individual groups.

7.4 Delta Metropolitan Borough Council

Profile

Delta Council is a large authority in the Yorkshire and the Humber region with a population of over 300,000. At the time of the fieldwork, the authority had a Labour majority of one (51% of all seats) with the Conservatives as the main opposition (37%), along with 3% of seats taken by Liberal Democrats and 10% by independents. Since 1973 until beyond the end of the fieldwork Delta has always had a Labour majority. At the time of the research Labour's majority on the council was the smallest that it had been across this period. Before the local elections taking place in 2000, the Labour majority at Delta stood at 57 (63 councillors – 60 Labour, 3 Conservative), whilst ten years later had fallen to a majority of 1. Whilst elections at Delta have typically occurred by thirds, boundary changes in 2004 meant that the whole district came up for election, which ultimately cleaved the huge majority.

In relation to O&S arrangements, Delta operated five themed scrutiny committees that broadly shadowed the goals of the community strategy. These committees covered the topics of crime, economy, learning, liveability and social care / health. The authority also had a chair's liaison group which met with cabinet to discuss work programmes. Apart from the liaison group, each thematic committee consisted of ten members of the council along with a number of co-opted members (from two to five) recruited to sit alongside members. In terms of the allocation of chairpersonships, the majority party took two chairs and allocated one chair to each of the three groups of the opposition (Conservative, Liberal Democrat and Independent).

Research data

The following data from Delta Metropolitan Borough presented in this analysis was collected from fifteen semi-structured interviews with members at the authority from both the majority and opposition parties and observations from six O&S committee meetings.

VI: Local party group meetings

Pre-Overview and Scrutiny Party Group Meetings

Respondents from the majority group indicated that there had never been pre-meetings of the groups before O&S committees in order to formulate a group perspective or to check attendance, provide information nor brief the members:

'...to do what you said, we'd have to have had a pre-Labour group meeting whereby people would be instructed which way they can vote and that's never happened in my time.'

DM003L

'I've never been asked to hear anything first [from the group]' **DM010L**

Equally from the Conservative opposition side, there was a strong indication that pre-meetings, with an intention to organise a party perspective, never took place before scrutiny, as respondents often didn't know how many of their colleagues sat on the committee:

'I can't remember how many of mine [there are] There's certainly a minimum of two Conservatives certainly [on the committee]. I just can't remember off the top of my head, you know?'

DM001C

Observations at all six committees attended at Delta Metro corroborated the evidence provided in interview as committee members would arrive at the council buildings and immediately enter the rooms where committees would be taking place.

Time Devoted to O&S in Regular Party Group Meetings

In respect to a devotion of time in regular party group meetings to the issues undertaken in overview and scrutiny, respondents from the majority group reported that overview and scrutiny often formed part of the agenda but was often not discussed unless there was an important issue at stake:

'It is down as the agenda. It isn't something that gets discussed on a regular basis.'

DM010L

When O&S issues were discussed at meetings of the majority group, it was reported to be happenstance rather than any intentional pre-emptive discussion that upcoming issues in overview and scrutiny were being addressed by the group. Thus respondents reported that the group meetings did not routinely address items on upcoming O&S:

'You may or may not be aware that it is a scrutiny issue. A typical example might be that we are doing a PFI for a waste recycling plant, so obviously that could come up at the Labour group meeting but it could also be a regular agenda item on scrutiny.'

DM003L

Similarly on the opposition side, whilst O&S may have been raised on the agenda of regular group meetings, unless the issues under discussion at O&S were of particular importance to the council: *'scrutiny will never, ever get a mention, unless there is some relevance'* (DM001C).

V2: Pervasiveness of organisation

Holding to account

The role of holding to account within O&S at Delta Metro was reportedly subject to forms of group control by both major parties. According to Conservative respondents, there was a sense that majority members were reluctant to constructively criticise their colleagues:

'I will say the vast majority of them don't criticise. [...] A lot of the Labour members turn up to get their signature on the attendance record and just sit there looking at their watch, you know, when it is going to finish. Some of them leave half way through! I've seen it happen! They come in, sign the papers, stay half an hour and I think "why?"'

DM006C

In some respects this was borne out in observations, with proportionately more discussion originating from the opposition parties and co-opted membership. Labour respondents themselves reported that this was sometimes the case:

'I've been on here long enough, so I know what questions to ask and what not to ask!'

DM008L

'I just think that a lot of the work is already done [coming] in scrutiny.'

DM011L

Aside from the possibility of implicit organisational control by the group and self-censorship, there had also been active use of a whip in O&S relating to calling in decisions. However, not all Labour non-executives were as keen to remain silent when criticising the group. In relation to an issue about school term times, some Labour members exploited the party's slim majority to actively go against a party whip and join a cross-party call-in:

‘Some could argue that I’ve got a cushion. [...] Well, for an example, [...] on the Education one and the term times and I suppose you could say I was against the party whip, but...there was a principle there, so...

DM015L

‘The fact that it was made by the same party [...] they were more of an embarrassment really because obviously, you don’t like calling in decisions made by your own party.’

DM009L

More generally the majority group whip on ‘not joining cross-party call-ins’ was upheld when the issues were perhaps less controversial:

‘When you call in a decision [...] you’ll find the elected member from the controlling group will not join in that call-in.’

DM005C (An O&S Chair)

Equally on the Conservative side, the group demonstrated that it had wanted to control deliberation and topics of scrutiny. In the example under observation, the Conservative members had initiated a call-in of a decision to spend resources on a project. The decision to call-in the policy went to a vote and the committee split across the two party lines:

‘The decision to call it in did not come from those three members [on the committee.] I think the decision actually came from the leadership of that party.’

DM009L

Whilst acknowledging the futility of call-ins as an instrument of ‘holding to account,’ the group leader of the Conservatives saw the value of the group-motivated call-in as a way to highlight that O&S was firmly controlled by the majority group to a great extent:

'Call-ins are not call-ins. They are just a chance for scrutiny to reaffirm [cabinet]'s decisions. [...] I don't think scrutiny operates in an impartial and effective way.'

DM013C (Leader of the Conservative group)

More significantly, there was a concern that the majority party had set the constitution of the authority with a mind to prevent adequate time and deliberation to scrutinise decisions taken. Respondents highlighted that a short turnaround time from the point of decision to get in a call-in was far too quick to offer a chance for deliberation on the decisions taken:

'You've got five days to get another committee meeting together, you know? It's a bit difficult, it's fairly impossible! I think it's been made difficult to the point where you think "Well what's the point?"'

DM005C

More generally, respondents of all groups saw the holding to account role especially difficult given the group blocks which stunted cross-party working. Conservative respondents were keen to report that the *scrutiny* element of O&S was essentially a '*box-ticking exercise*' (**DM006C** & **DM007C**) and Labour respondents supported these conclusions citing the impotence of the function and lack of any genuine commitment to O&S from the majority group (and Conservative opposition), which simply led O&S members to '*just be there to rubberstamp things*' (**DM015L**). In terms of cabinet attendance to give evidence at committees, a Liberal Democrat chair of an O&S committee was especially concerned with the attitude of the executive members in relation to O&S:

'Portfolio holder could always find an excuse, why not? But in the end, I didn't bother tackling her, we could do without her. [...] I would have liked her to come and be in scrutiny. We just gave up asking her...'

DM012LD

Policy development, policy review and pre-scrutiny

Almost all of the respondents were broadly impressed with the nature of policy development and review at Delta. The council leader mentioned that this role of scrutiny was the members' favoured type and tended to form a large proportion of the work of O&S relative to the 'holding to account' role of call-ins at other councils:

'I think scrutiny in [Delta] has gone down the road of policy development. Other councils have gone for 'call-in' far more and I think getting the right balance is obviously the aim and we still need to achieve that.'

DM002L

The majority of councillors reported that groups had not attempted to control the deliberative process in O&S in such a way as to taint the evidence collection and conclusions from meetings and thus proved a success:

'You are just one big family, as I put it. There is no 'you and us.' We're all here to do a job and we do the job together.'

DM008L

Other respondents were more circumspect about the alleged party-group free environment of policy development and wondered whether the 'success' of the role was due to the anodyne topic selection: *'there are some things that get discussed at scrutiny [that] aren't that significant'* (DM013C), *'it's basically just a talking shop [going] over the same old issues'* (DM015L). In observation, given a comparative perspective of the other case studies, these claims were substantiated to a large extent when the issues under discussion related to micro-management of services and tangential diversions from some co-opted members. To highlight the extent of this situation, the council leader attended an O&S committee with an instruction

directed at the committee that there should be a '*big view picture on your agenda*' (Delta Liveability Tuesday 16th Feb 2010, [0:33:46]) because '*it's not going to change the world having a chit chat about footpaths*' ([0:33:38]). Incidentally, the leader then proceeded to recommend to the committee that pre-scrutiny of issues provided by the executive or holding to account external partners were the solutions.

External scrutiny

External scrutiny at Delta tended to be reported to work without group controls over members and topic selection. A number of respondents commented on the good work that was done when engaging with agencies and organisations outside the council:

'[Through scrutiny] we've got partnership working, joined-up working now with anti-social behaviour between the council, police and the Delta Housing.'

DM001C

Respondents also reported that these were probably the most successful committees, in terms of outcomes, across the O&S function at Delta:

'[Health and Crime] I think just those two that I've mentioned get quite a bit of attention. I would say probably the Health and Social Care [Committee] gets more things done, yes.'

DM014L

However, some members were concerned about the focus of committees such as the Health and Social Care committee, which appeared to prefer looking at things outside the council rather than the services provided by the council. One respondent argued that this could have been a strategy of the majority group, as it had been chaired by a member of the administration party:

'We perhaps don't scrutinise enough, we don't go into enough depth [on] up-to-date issues. [...] The odd little things that we do get involved in, like the name of the hospital [...] it's not dealing with why there have been so many cancelled operations. [...] I certainly don't think that it has been set up by the ruling group with the intention of unravelling any problems. [It] looks at things in a fairly superficial way and that's the interpretation where you are being kind to people! [...] You see that there's more on the NHS than there is on the council's own service and to my mind, that's wrong. We're more responsible for Social Services than we are for the NHS.'

DM004C

V3: Centralisation of policy formulation

Councillors from both major parties at Delta reported that the group took a leading role in the operation of the call-in function, making decisions on its use and restricting the ability of the component councillors to make up their own mind about the issues under scrutiny:

'...we, as the opposition, have called in two or three decisions recently and you know, the Labour representation on scrutiny is obviously greater than ours and the call-ins just get kicked out.'

DM013C (Group Leader)

Whilst the Conservatives went ahead with the centrally organised call-in of a recent issue, the call-in of another issue became cross-party because of the centralisation of policy formulation in the majority Labour group. Respondents commented that most of the majority group were ignored when the cabinet made the decision:

'...the group itself voiced concerns [...] we did air those views but I think the cabinet took the view "Okay, you've heard the views but it's down at the end there." There was a difference of opinion rather than one being right or wrong and they took the view that "We made this decision and we can't see any reason to change it."'

DM009L

'There was a clear, massive indication to the main status quo and it was just overridden, so that made me step back and think, well realistically what is the point of all this? [We] debated it strongly in the group [but] they totally ignore it, to be quite honest.'

DM015L

There was a belief reported by a majority party backbencher that this attitude towards the wider Labour group was common and that the centralisation of decision-making was well entrenched in the Labour group at Delta:

'Basically the power is in the inner cabinet with the leader. [...] I was always told that politics, the Labour group will decide. "We'll patronise, we'll put people on scrutiny, but any major decisions will be made by the group," though I don't believe that. I believe it is made by the inner cabinet.'

DM015L

The opposition group leader sustained this accusation of a centrally-controlled Labour group operation with reference to the history of the council, having a majority group which had at one time constituted almost all the members of the council:

'History is important. We've grown considerably [...] and so we're now putting up proper opposition than that before and they don't like it. [...] They have had 36 years of control and they have pretty much done what they want. Part of the history that is relevant is that they have gone from 60 out of 63 councillors to now having 33, so they have lost a lot of their power / voice. [...] Any attempt through any means, be it scrutiny or whatever, to challenge their decisions, is not liked.'

DM013C (Conservative group leader)

V4: Preclusory discipline

Excepting the preclusory discipline used to rally members of the majority and the opposition at call-ins, where there was a more explicit whip in relation to actions, there was scant evidence to suggest that councillors were told how to act or behave within O&S committees more generally. Respondents were keen to express that group interference would not impinge on O&S:

'I've heard Labour councillors be as critical of a department as you would expect an opposition member to be, if they have felt that the service wasn't performing adequately.'

DM004C

Whilst the Conservative leader understood that preclusory discipline did not actively occur with respect to members of committees being told how to act, he believed that certain issues were actively encouraged to be 'off-limits' to scrutiny and thus the issues, rather than the councillors themselves, were whipped:

'There is a, conspiracy is the wrong word, but there is a whip, if you like, given on scrutiny issues and on other issues as well. I'm sure that there is a bit of party line toed [in relation to Labour.]

DM013C

V5: Cohibition of councillor communication

In O&S settings, there was little active cohibition of councillor communication with no pre-group meetings, little devotion to organising issues within scrutiny unless they were important and few pre-arranged call-ins. On the Conservative side, the leader expressed that his group were free to go about business in whatever way they felt was the most appropriate:

'My group are free and easy to talk about what they want in scrutiny. [...] Absolutely, there are no messages given from me or from the leadership of my group on scrutiny. There is only one other group really, Labour, but I know that's not the [same] case.'

DM013C

However in interviews, Labour members reported that they had not been constrained in the O&S environment and were free to speak about group policies:

'We're allowed to say what we think and how we feel about it and you know, [permission] doesn't have any concept at all!'

DM014L

The chief concerns raised in relation to cohibition of member communications in O&S were more related to topic selection, with the chair's liaison group providing the grounds for the opposition group leader to conclude that O&S was neutralised in this way:

'We have regular meetings between cabinet and scrutiny so we make sure that the work programmes are relevant to what the council is trying to achieve.'

DM002L (Council Leader)

'...you wouldn't get some of the blocks that occur now, where the chairs clearly know what is going on in the cabinet and act accordingly...'

DM013C (Group Leader)

These claims from the Conservative leader were substantiated to some extent when respondents reported that topic selection could be difficult, especially relating to issues that the majority party did not want to be discussed at O&S:

'I think it is very difficult to get a topic put on the programme that the chair of the committee isn't happy to go on the programme. I think she does control it fairly

strictly, you know? [...] I don't think she's being completely awkward, but she has areas that she feels are appropriate to pursue and she will pursue them, but it is not always easy to get something that I would call "contentious" high on the agenda.'

DM004C

In relation to the cohibition of Conservative councillors, there was little, if any, control over members of the committees or chairs. For example, a Conservative respondent reported that she had wanted to use O&S for political capital for the group but the Conservative chair of the committee had blocked this outright:

'Even though [X] is the same political persuasion as me, she has said from the word go, when I mentioned it "No, I'm apolitical, I am the chair, I cannot take your side or agree or disagree because it's a political point.'"

DM006C

V6: Administration of castigative discipline

In relation to punishing councillors for going against the group in O&S, this was reported to be an extremely unlikely occurrence because of the 'freedom' that both groups had granted in the arena. With reference to the Labour group, respondents argued that it would be highly unusual to punish councillors for their actions in O&S.

'He's a brill man and he understands, you know, as do other cabinet members, that we are all adults, we don't always agree.'

DM011L

Another Labour respondent was more pragmatic and believed that the reason that the majority group were reluctant to be excessively heavy handed with councillors who disobeyed party orders, was due to the balance on the council:

I: Yes, but the party group didn't punish you as a result of that?

R: No.

I: No?

R: I think when you're the majority of one they have to be a little bit careful!

DM015L

V7: Allocation of positions

The allocation of O&S posts at Delta was primarily conducted by the leader of the council and the chief whip, including the decision to give the opposition some chairs with some 'discussion between the parties beforehand' (DM002L). The leader of the council had to actively encourage the majority party that it was necessary to give the opposition some chairs of scrutiny: 'I strongly recommended to the controlling group that the opposition should have the majority of chairs, so they have three and we have two' (DM002L). The actual process for allocating chairs to the individual committees was reported to be at the control of the majority group leader and whip specifically:

'It's at the behest of the leader. The leader decides who gets which paid positions. So scrutiny chairs are paid positions, they get an allowance. [...] Now it's a difficult one because as the leader I'm sure he's got people to appease, he's got people to please and satisfy i.e. members in his group who want extra money. [...] Clearly, cabinet are making decisions and if they are being scrutinised [...] by one of their own... turkey's aren't going to vote for Christmas, are they?'

DM013C (Conservative group leader)

Some councillors reported that this process of leader / whip appointment did lead to some 'political' appointments of chairs who would protect the majority party group:

'Two of the chairs and one deputy chair were given for political reasons [...] I suppose at the end of the day, if you are only in it by one, which Labour is, you're

going to try and protect yourself, aren't you? I suppose if it was the other way, we'd do the same!'

DM006C

A Liberal Democrat opposition O&S chair believed that topic selection had been her downfall in the eyes of the administration, due to her insistence that a topic should be deliberated upon in an O&S setting:

R: And to be perfectly honest, I think that's one of the reasons why I'm not chair this year, because it was unpopular...

I: It was unpopular to look at that issue?

*R: It was unpopular to **talk** about that issue.*

I: Yes. Do you find that with the councillors on the committee, they thought that it was unpopular as well and...?

R: No, not the councillors, not those that took part in scrutiny.

I: Not the ones in Scrutiny?

R: Higher up the ranking...!'

DM012LD

In relation to group involvement in the actual committee member allocations, the leaders and whips (of all parties) were responsible for allocating members to committees:

'You can't just pick and choose where you go. [...] [It's] done mainly by group leaders from all parties and their whips and then obviously people are placed, wherever possible, where their skills lie.'

DM011L

Brief Delta Summary

Despite being the most numerically competitive authority of all the case studies, Delta confounded theoretical expectations through reporting few levers of group control over O&S.

With an absence of pre-O&S meetings to organise the operation of the councillors in O&S and only focusing on important scrutiny issues in regular group meetings, the parties at Delta, unlike at Alpha, Beta and Gamma, were not excessively concerned about the day-to-day operation of the function. Despite elements of topic control and diversionary tactics from the majority group, the operation of the function was relatively free of direct interference. However, one aspect of overview and scrutiny where groups maintained complete control related to the call-in function, where groups whipped, organised and mandated councillors to operate along party lines in order to protect ambitions in the last resort.

Chapter Eight: Data Analysis

The eighth chapter of the thesis evaluates the empirical data presented in the preceding chapters. Firstly, assessed by variable and secondly, by case summaries of the data. The chapter then presents potential models of behaviour of party groups since the introduction of the Act.

Natural Loyalty in the 'Blended Separation of Powers'

Firstly it is necessary to interpret the outcomes of the quantitative data relating to how councillors believed that they 'naturally' operated within the institutional environment of a blended separation of powers, beyond direct control. Generally there was strong agreement amongst councillors of all parties that they would operate in a group vote-seeking / protecting way (Q5.11) and relatively strong agreement that they would fear the consequences of criticising the group in public in relation to the group's electoral ambitions (Q3.10). Similarly there was strong agreement from Labour and Conservative councillors that they would remain compliant with the group for the purposes of having a better chance of impacting policy (Q5.13). When considering careerist concerns in the blended separation of powers, there was moderate agreement from councillors of all groups that they would be willing to be loyal for the purposes of furthering their sphere of influence (Q5.14), whilst Labour councillors, specifically, tended to strongly agree that they would have concerns for their position within their group should they criticised the party in public (Q3.9).

Whilst Labour councillors were statistically significantly more likely to operate in a more cohesive manner in the blended separation of powers without the need for direct group control (Q3.9, Q3.10, Q5.13) and this was reflected by the statistical significance of less whipping

and O&S-specific group meetings, the wider tendency for automatic group cohesion on the basis of careerist concerns, wanting to remain popular in the group and through a fear of the group's electoral ambitions was common across all parties. These results demonstrated that *the parliamentary structure naturally encouraged politicians to operate in a way compatible with maintaining the collective benefits* (Chapter Three). In other words, councillors recognised that the successes of the group had a direct impact on their own abilities.

However the research also found that across all parties there was, at least, some strong belief that councillors would act in the way mandated within the legislation (Q5.12) and thus violate the natural cohesion with O&S. Whilst there were no statistical indicators which signalled a propensity of a particular type of councillor to be more likely to follow the legislation and act against the group, the very presence of councillors *agreeing to and willing to act* in this manner would have been the reason why parties may have needed to counteract the potential impact of introduction of O&S. Whilst there are no hypotheses relating to these questions, they provide strong confirmation of the expected cohesion in a parliamentary blended separation of powers (Q3.9, Q3.10, Q5.11, Q5.13, Q5.14) whilst also demonstrating that councillors could operate against the best interests of the party (Q5.12), which, in turn, allows us to envisage that it would be reasonable for groups to have attempted to mitigate public O&S undertaken by councillors.

V1: Local Party Group Meetings

From the survey, the question relating to group meetings taking place before O&S specifically related to meetings which dealt exclusively with the agenda of a subsequent O&S committee. Whilst the question was 'righting the wrongs' of previous quantitative research (ELGNCE,

2002, 2006), the results of the study do not confirm that the meetings were necessarily held to formulate a group perspective. Instead the question was exceptionally specific about the group having an exclusive focus on the O&S agenda.

In this study, it was found that 35%¹ of respondents experienced pre-O&S party group meetings. Whilst these meetings did not occur for the majority of respondents, the results were significantly different enough from zero to have not to have happened by chance. There were no statistically significant relationships with any other factor such as political party, tier, presence of a majority or incumbency vs. opposition. In relation to devoting time to O&S issues in regular party group meetings (distinct from ones preceding O&S), 44% of respondents reported that at least some time was devoted. Again, whilst not being able to identify the topic of discussions, it was clear that a substantial amount of time was devoted to the function when the whole group was present. Whilst parties and the presence of a majority party were not associated with the practice, the tier of the council and incumbency vs. opposition showed statistical significance. In the case of incumbency vs. opposition, it came as no surprise that **the opposition devoted more time to O&S due to the fact that the function would be a larger part of their work**. However, with respect to tier, there was a significant propensity for lower tier councils to devote more time to O&S in group meetings, perhaps due to the fewer council functions at this sub-national tier.

In terms of the change in the number of group meetings since the Act, the majority of respondents considered that the frequency had either stayed the same or increased in number

¹ 32 – 38% with a 3% sampling error (95% confidence interval)

(80.6%²), with no statistical significance indicating an association, showing evidence of, at the least, a maintenance of group activity over time.

In combining devotion to O&S in group meetings and specific party meetings relating to O&S, it was found that the majority of respondents (54.6%³) reported that they had experienced at least one of these occurrences in relation to O&S and this majority would hold, given the sampling error, amongst the population. To highlight this data as possible evidence of group control in the wider population of English local government, the use of group meetings within the case study authorities as ‘tools of group control’ demonstrated that they were used in a number of ways, but **with the foremost commonality of preventing damage to the party goals:**

- 1) Firstly, group meetings were used as a private way **to dissolve the potency of criticism of majority (or minority administration) party groups within O&S** in order to avert the cost of questioning, which could have consequences for the party goals (*Gamma LD, Alpha Conservative & Beta Conservative*). This was predominantly when the function was looking to perform the role of holding to account. The content of meeting was often to remind councillors of their obligations to what they had agreed previously on as a group, precluding the possibility of spontaneous debate in public.
- 2) Secondly meetings were used to ensure that the **topics covered in committee were tightly controlled by the groups to prevent criticism on specific items** (*Beta*

² 76.4 – 84.8% with a 4.2% sampling error (95% confidence interval)

³ 51.5 – 57.7% with a 3.1% sampling error (95% confidence interval)

Conservative) or ensure that there was a light shone on specific items (*Beta LD*).

This was typically when deciding topics for policy development, review and pre-scrutiny role of the function. The most concrete examples of this were the bizarre mid-committee and post-committee meetings ensuring that O&S wasn't destructive to the majority group at Beta

- 3) Thirdly, group meetings were used as a chamber of deliberation of group perspective in order **to formulate what group line should be carried on issue X** in O&S (*Gamma Labour & Gamma LD*). Gamma Labour would formulate a line to take to O&S on the basis of the meeting and Gamma LD would often reconcile the factions in the group before agreeing a line for the public arena.
- 4) Fourthly, group meetings were used as a place **where the opposition group would generate lines of questioning attack** for O&S, specifically with the intention of highlighting administration ineptitude (*Alpha Labour*). For example, Alpha Labour's primary concern was to ensure the group had prepared sufficient points to use against the majority group. There was also an element of group meetings being used as a method of discussing strategy in committees (*Beta LD*).

In all nine cases of party group meetings⁴ relating to O&S in the case studies, the instrument was used as either in defence/attack or as a way to collectively ensure that the O&S member(s) followed a line. Both of these reasons ensured that the party's objectives were protected. However, the most intensive use of the group meeting related to holding to account the administration. In these situations meetings became an important way for majority and

⁴ Alpha Conservatives (Pre + Regular) Alpha Labour (Regular) Beta Conservatives (Pre + Regular) Beta Liberal Democrat (Regular) Gamma Liberal Democrat (Pre + Regular) Gamma Labour (Regular)

opposition parties to formulate strategy and tactics to protect the goals of the party. Similarly meetings were used as a method for ‘agenda control’ of O&S, specifically relating to things that the majority party would have liked to avoid or the opposition would have preferred to have been scrutinised.

Significantly, the role of a group meeting as a method to formulate party perspective as a hypothesis was strongest in Alpha, the only lower-tier council. Unusually, the most numerically competitive authority; Delta, **theoretically the most likely to follow objectives more intensively, reported a complete absence of group meetings to a method to control group behaviour in O&S.** Pre-O&S group meetings were completely unheard of and most members found the concept utterly foreign.

V2: Pervasiveness of Organisation

In terms of **holding to account**, all case study authorities reported powerful and all-encompassing group control over this particular role. In terms of majority parties, members were often mandated to remain quiet, in contrast with opposition parties who were often encouraged to push a collective group line. In effect, holding to account an executive was an intrinsically tribal affair across all four case study authorities. The range of behaviour relating to this role varied in severity across the councils in the following ways, starting with the most severe group control:

- 1) At Alpha and Beta, the majority groups were not involved with the holding to account role of O&S. At Alpha this was much more **explicit group action that prevented members from participating (whipped silence, ‘senior-members-only’ restriction**

et al.), for the purpose of protecting the party. At Beta, the majority group control was more subtle: **preventing or restricting what types of things could be held to account across all O&S** leading to ‘*walls of silence*’ from the majority group when dealing with issues that were not acceptable.

- 2) At Gamma, the holding to account role was affected by the condition of no-overall-control and a leader who had allowed input from the other parties in decision-making. The holding to account role was thus mutually destructive to all parties and often took place very sparingly within O&S committees. Where it did occur, **it was reported that all of the groups almost ensured that it was fundamentally conditional on low press or public interest**, in order to prevent any possible damage to reputations.
- 3) At Delta, the holding to account role was almost non-existent apart from the instrument of O&S ‘call-in.’ In this regard, **strict group controls were in place to arrange the utilisation of a ‘call-in’ (*Delta Conservative*) and defend and vote against (*Delta Labour*).**

With respect to the rudimentary ‘holding to account’ role served by the instrument of the ‘call-in’ function, most opposition groups within each of the case study authorities arranged to use the tool as ‘the group,’ rather than as ‘councillors on the committee,’ as had been the intention of the legislation. Equally, in defiance of opposition call-ins, the reciprocal approach was majority group members being prevented from joining these call-ins. The resultant ad-hoc call-in deliberation committees were thus strictly controlled on party lines and majority group members would vote the proposal down. This was most evident in **Delta and Alpha**,

whereas at **Gamma**, call-ins were avoided in private discussion and at **Beta**, opposition efforts were seen as inexorably futile and thus not attempted.

Invariably the recent call-ins (Alpha / Delta only) at the case study authorities (excepting one education call-in at Delta) were **clearly demarcated by party group** and were used as weapons of the opposition against the majority group to either receive attention in public arena or reinforce the point that these administrations were responsible for those decisions. Opposition groups were thus acting in this way to generate political capital and hence continue to meet their objectives by going against the intention of the, supposedly committee-initiated, call-in function. Initiating and following through a call-in this way allowed the group to make the decision rather than the councillors within O&S.

In relation to **policy development, policy review and pre-scrutiny**, the case study respondents were adamant that there was less party involvement in certain aspects of these roles, but were equally keen to report that some groups did retain control of direction. There were two main roles for parties relating to these functions of O&S:

- 1) The party group would seek to **actively control the topics covered**, both as majority and opposition, in order to direct committees to scrutinise what they thought was the best option for the group to deliver on its objectives. For majority groups, this was towards anodyne topics and away from potentially damaging areas (*Beta Conservatives*) or using a veto for controversial topics (*Alpha Conservatives*). For opposition parties, activity involved steering the topics covered towards group ends (*Alpha Labour*.)

- 2) The party group also acted as a **constraint on councillor's policy discussions**, where the group would take a role in ensuring the representative delivered the 'right' policies in O&S committees, instead of permitting councillors to form conclusions based on any evidence provided (*Gamma Labour*).

In relation to policy development, review and pre-scrutiny, there were instances where the groups were noticeably absent; firstly, small task groups (*Beta, Gamma*) looking at single issues and secondly, pre-scrutiny of issues (*Gamma*) before executive decisions. However, even these roles had been subject to group control in relation to initial topic selection (such as *Beta Conservatives*).

As expected, the **external scrutiny** role of O&S received much less group involvement at all authorities. As one opposition councillor put it '*there is little or no political cost to the controlling group*' thus the group do not get actively involved in directing the topic choices in O&S. Because it was '*difficult to embarrass*' anyone for political capital, there was more freedom for councillors to follow the intention of the legislation. However there were some concerns that **enforcing** external scrutiny instead of internal scrutiny was an active tactic used by a majority party to divert attention. For example, this was reported on the health and social care committee at **Delta**, where the majority chair agreed a work programme which was focused on health rather than social services, which was a substantial function at Delta. Equally, the opposition health chair at **Gamma** reported that her work programme was directed by the more actively group-controlled co-ordinating committee, which decided her work programme from above. However, given the research supposition that the party would be concerned with meeting its objectives and thus focus attention on what will impede its

objectives, the evidence that there was little to no group involvement in external scrutiny goes some way to demonstrate these types of theoretical assumptions.

V3: Centralisation of Policy Formulation

The centralisation of policy formulation was very clear in each of the parties at each of the local authorities (bar *Beta LD*, due to size). All the reasons for this were predominantly related to goal-satisficing efficiency; there were two approaches to how this would happen:

- 1) Party leaders across groups (*Alpha Lab/Con, Beta Conservative, Delta Lab/Con*) took primary control over policy formulation without delegating much (if any – *Alpha Conservative / Delta Labour*) responsibility for policy to non-executives in either private group or public O&S settings. Respondents reported that everything was driven by a ‘*small cohort of the cabinet*’ or senior members who ‘*know it all and use it to their advantage.*’ However the ‘principal’ non-executives were keen to express how pragmatic (and positive) it was to allow so much ‘agent’ control. As a *Beta Conservative* commented: ‘*when needs must, the devil drives.*’ This was an admission of the practical need for central control: ‘*when leaders sacrifice organisational power or policy influence, myopic and electorally inefficient party behaviour follows*’ (Strøm, 1990, p. 578).

- 2) The second type of centralisation of policy formulation was atypical amongst the case studies but followed the theoretical assumptions particularly cleanly. At Gamma, the impact of no-overall-control led to **collusion amongst the group leaders to prevent public embarrassment and thwart possible damage to their goals.** In this case, the

leaders colluded to take away issues from O&S to be negotiated amongst the leaders of the groups in private. Having these ‘*offline meetings*’ effectively took O&S issues (mid-meeting) to be discussed in private and agreed by the leaders of the groups, without input from either their own group councillors or O&S. Councillors, again, understood the pragmatic argument that it was better for everyone if the leaders took away issues rather than leaving it to open committees: ‘*things can be brought to a resolution more quickly. Rather than doing it in public, where everybody is on their own little platform and hobby horse and hoping the press are there and watching them, you know?*’ Inevitably this had led to O&S meetings with ‘*nods of heads*’ indicating issues to be resolved behind closed-doors.

V4: Preclusory Discipline

The survey for this research broke organisational ‘whipping’ into ‘advisory’ and ‘explicit’ and discovered that more than 1 in 10 respondents⁵ had been explicitly mandated to follow group instructions and almost 1 in 4⁶ respondents had been ‘*informally pressured*’ or advised to act as directed by the group in O&S.

In terms of statistical significance of any associations, it was found that the presence of a majority led to the most routine advisory whipping and the lack of a majority led to the most ‘occasional or ad-hoc’ advisory whipping. In interpreting these results, it could be argued that councils with a majority party might be more likely to ***routinely*** direct O&S councillors to defend their group positions (i.e. always whipping to defend the majority, or constantly whipping the opposition to attack the majority party). For the occasional or ad-hoc whipping,

⁵ 9.9– 13.9% with a 2.0% sampling error (95% confidence interval)

⁶ 20.8 – 26.2% with a 2.7% sampling error (95% confidence interval)

the propensity for this to occur in authorities with no-overall-control could be interpreted as lightly whipping O&S only in cases where the issues were fundamental to goals (i.e. divisive controversial issues.) In respect to explicit whipping, there were no statistically significant indicators which illuminated any propensities for this practice. The 12% who reported explicit whipping demonstrated that **this practice was not bound to structure, tier, competition or certain affiliations of party groups.**

Combining the incidences of both advisory and explicit whipping, around 26% of respondents had reported one of either of these practices. The combined dichotomous variable showed no significant factors which affected the propensity for whipping. Whilst not a large percentage of the sample,⁷ whipping was reported in O&S more clearly than in any previous quantitative study of O&S because of the specific definitions of whipping in the circumstances of O&S.⁸ When combining group meetings and whipping into one dichotomous variable (**V1 & V4**), **it was found that a majority of respondents 62%⁹ had experienced at least one of these group instruments in relation to the operation of O&S**, with Liberal Democrats most likely to experience these (perhaps relating to the propensity of opposition groups to report O&S group discussion; *see VI*) and unexpectedly, Labour were least likely (perhaps reflecting automatically-generated loyalty; *see 'Natural Loyalty'*).

From the question to long-serving councillors about the level of group control in relation to organisational discipline both before and after the Act, each group reported only a small

⁷ Or population ~ 23.1 – 28.7% with 2.8% sampling error (95% confidence interval)

⁸ Prior to this study, whipping is likely to have been significantly underreported.

⁹ 58.6 – 64.8% with a 3.1% sampling error (95% confidence interval)

difference between the two, with only the Labour respondents reporting that the level of control had dropped slightly.

In terms of the qualitative data from the case studies, it was clear that preclusory discipline was in operation across all the groups for various roles of O&S and in all of these experiences, the party were looking to protect their goals. In relation to advisory whipping, there were three aims for its use:

- 1) Advisory whipping occurred in *Alpha Labour* within the ‘holding to account’ arena of the executive O&S committee. In this manner, councillors were organised and advised to come up with questions and points to raise in the public committee which would best attack the opposition. Whilst this practice was not explicit whipping: *‘I think a lot of people do feel as though they have to go with it,’* **the group played an active role in the organisation of tactics.**
- 2) The second aim of advisory whipping in the case study authorities was the **group intention of commandeering the work programmes of O&S.** This occurred with the *Beta LD* who had reportedly organised the presence of their members on a panel to make suggestions for topics of O&S work programmes for the purposes of achieving a group goal.
- 3) The third aim of advisory whipping related to **informing councillors of the groups’ position on policy and encouraging the councillor, as a delegate, to represent the views of the whole group in the committee.** This was the experience within *Gamma*

Labour, who did this to ensure that the group was represented rather than the individual in O&S settings: ‘*we don’t whip [...] we expect!*’

In terms of explicit whipping, whilst the practice was not as prevalent as advisory whipping, there were still occurrences where it appeared to be happening regularly, especially in relation to two roles in O&S, in a manner to control the outcomes for their own benefit:

- 1) The **role of holding to account was the most likely function of O&S to be subjected to explicit group whips**. For Delta Labour and Conservative groups the practice was only in relation to whipping call-ins, both in organising (*Conservative*) and retaliating against a call-in (*Labour*). The resultant whip in an ad-hoc committee to hear the case resulted in bloc votes for and against and ended without deliberation. Beyond call-ins, the *Alpha Conservative* group used explicit whipping to silence majority party members prior to the holding to account function of the executive O&S committee.
- 2) The second noted role of explicit whipping related to **the control of topic selection for O&S work programmes**. Both *Beta Conservative* and possibly the *Gamma Liberal Democrats* used an explicit whip to control the proceedings of committees in such a way to avoid topics which would be detrimental to the group. For example, Beta Conservatives ‘*falling into line*’ on the co-ordinating board and the Gamma Liberal Democrat group seeking to prevent topics that they ‘*ought to avoid.*’

V5: Cohibition of Councillor Communication

In terms of cohibiting communication, groups were active in preventing individuals from criticising the party in public to protect the goals of the group. For example, 25%¹⁰ of respondents reported that they had been briefed how to conduct themselves in O&S settings. Of these briefings, the most common times that this occurred was when the *issues were controversial* (40%), when *the system was first introduced* (39%) and when *the candidate was first elected* (30%.) Whilst not knowing the precise content of the briefings, due to the limits of the survey research, it was clear that some parties unequivocally gave group instructions to councillors on how they should behave ‘according to the party’ in O&S, especially given that the most common time for these briefings related to when issues were controversial.

In relation to questions about whether the respondent had criticised the decisions made by their party group in public and private, the difference between the two questions was significant. More than 75%¹¹ of respondents had not criticised the group in public in contrast to 65%¹² of respondents who did criticise the group in private. This difference, whilst it cannot be proved that explicit group action mandated this silence, demonstrated that councillors were effectively constrained by either themselves (in terms of group loyalty) or their group (in terms of group discipline) in the public arenas of local government. It was found that chairs of O&S committees were statistically significantly slightly *more* likely to criticise their group in public in comparison to regular members, but the difference was not large and a surprisingly high **69% of O&S chairs, who were non-executives of an**

¹⁰ 21.89 – 27.29% with a 2.7% sampling error (95% confidence interval)

¹¹ 72.9 – 78.3% with a 2.7% sampling error (95% confidence interval)

¹² 61.8 – 67.8% with a 3% sampling error (95% confidence interval)

incumbent party, reported that they had never criticised the decisions made by their group in public.

In terms of the case studies, the cohibition of councillor communication was more readily observed. In particular, at both Alpha and Gamma, all of the group leaders attended almost all O&S meetings (With *Alpha Conservatives* – the cabinet would also attend), to monitor the proceedings of the committee. It was noted that this was the reason why councillors were silent in committee, as the executive carried a ‘*huge patronage (Alpha Conservatives)*’ and members derived living costs from roles and thus might have been unwilling to criticise the group in front of their senior colleagues. This presence was reportedly ‘*intimidating*’ but also replicated on the *Alpha Labour* side. At Gamma, the same experience was evident and group leaders were a constant presence at O&S, typically because there was a ‘*concern of how we look[ed] in the press*’ (*Gamma LD*). The presence of leadership reportedly constrained the contributions from members of all groups in O&S. Whilst the leaders attending the committees would have cohibited members of the committees from deviating from group lines, the reasons given by the leaderships were surprisingly pragmatic: ‘*you can get bad headlines (Gamma LD)*.’

In terms of regular members at Beta and Delta, there was little active cohibition of communication in O&S but there was a commonality of restricting the communication of the chairs. At Beta, the cohibition was mostly restricted to the majority group chairs of the committee (*Beta Conservatives*), who were restrained when topics were politically sensitive. This was especially evident when the group of chairs on the co-ordinating committee took pre-O&S, mid-O&S and post-O&S group meetings during an O&S committee. **Delta**

committee members from the groups were much less actively constrained in O&S than at Alpha, Beta or Gamma, but there was a sense from respondents that majority chairs (*Delta Labour*) were ensuring that work programmes were relatively uncontroversial.

V6: Administration of Castigative Discipline

Relating to castigative discipline, the survey data showed that punishing councillors as a result of their actions did take place but undoubtedly not to a great extent. For example, only 2.67%¹³ of councillors were punished by their group as a direct result of their actions in O&S. Whilst statistical tests could not be run on the multiple choice question format, even with sampling errors factored in, the propensity for Conservative respondents to be most likely to be punished was evident (3.9%) in comparison to Labour (1.6%) and Liberal Democrat respondents (0.92%). This association would be unlikely to be related to the Conservatives being more likely to discipline; instead this would indicate that majority parties, in which role the Conservatives dominated across local government, were more likely to punish deviance in O&S for the purposes of defending the party. Whilst it was expected that castigative discipline would be low, the evidence that it could be used in some cases (1 in 40 respondents) provided some confirmation that the **threat of its utilisation was actively put into practice in a few, presumably serious, cases.**

The outcomes of these reports predominantly resulted in informal warnings from the group but discipline was taken to its extreme in two cases where members were suspended as a result of their actions against the group in O&S. Whilst the more serious punishments (above informal warnings) made up only 1% of the total sample, severe punishment had been a

¹³ 1.67 – 3.67% with a 1% sampling error (95% confidence interval)

possibility for going against the group in O&S. However, this conclusion should be tempered with the limits of the survey research, which asked respondents to self-report this discipline (i.e. being removed from a role due to behaviour in O&S may have incorporated wider reasons.) From the more open question about castigative discipline, as a result of broader public criticism, 20% of respondents were punished as a direct result of their actions, with the majority of these councillors receiving post-hoc informal warnings that this was unacceptable to the group. These figures did show that the group was willing to punish in some cases, however lightly, councillors who breached the line of the group. Presumably the reason for this would be to remind councillors of their obligation and ensuring compliance in the future. However where this line was drawn would be indecipherable from the survey data.

In terms of castigative discipline at the case studies, there was no commonality in approach to the use of punishment as a means to coerce group cohesion. At *Beta*, neither party reported that this was an issue at O&S. However at the other three authorities, there were some indications that it would be used as a threat, if not necessarily always used in practice. In terms of application, an opposition *Alpha Labour* respondent reported that a warning was given when she did not support a group colleague in O&S. In this case, the party looked for group support on an agenda item which they had intentionally raised to either achieve their goal of embarrassing the executive or delivering policy through O&S. The failure of the councillor to support this was punishable with an informal warning that support should be given in future. At *Gamma*, the Epsilon faction leader of the Liberal Democrats was adamant that informal warnings would (and do) come from her, specifically as a senior member, in cases of deviance and intimated that threats of candidate deselection could be used to corral allegiance to the party in serious cases. At *Delta*, one majority party member knowingly used

the knife-edge balance as a route to justify public criticism of the group in public, fully understanding that the party could not seriously punish him, as to do so would cost the group its incumbency.

V7: Allocation of Positions

From the survey, it was clear that the majority of O&S chairpersonships were allocated by the majority party to the administration party. Almost 60% of chairpersonships were allocated in this way but with significant differences across political parties. For example, incumbent Conservative and Labour parties allocated at least three-quarters of chairs to their own party, in contrast to the Liberal Democrats who allocated 58% to their own party when incumbent. Labour were the only party to significantly offer fewer chairs to opposition parties when in control of local authorities. However, it was clear that there were groups, even Labour, who offered chairs to the opposition, surely at odds with achieving the goals of the party.

In relation to how individuals were chosen to be chairs, the **overwhelming route to nomination was via the group with verification at full council**. Other routes of nomination were effectively through the committees themselves, though it would be important to state that these would have been dominated by the majority or largest party at the authority. When factoring in affiliation, when Liberal Democrats were incumbent, there was a significant increase in Liberal Democrat chairs being nominated by their group, indirectly highlighting that individual Liberal Democrats, when in opposition, might have been specifically picked by Lab/Con majority parties to chair O&S committees.

Relating to committee allocations at the case studies, it was found that the quantitative data was almost impossible to untangle due to the complexity of the variable in practice. For example, all of the authorities allocated at least one chair of an O&S committee to the opposition, which naturally implied that they had followed elements of the original legislation. However, the reasons for this often directly related to the control of the group over O&S. For example, the **Alpha** chairpersonship given to the opposition was allocated in order to occupy them with external scrutiny and ‘*something that they couldn’t cause any trouble with!*’ Whilst **Beta Conservatives** gave **Beta LD** the chair of the overarching co-ordinating committee of scrutiny, the setup of the committee meant that his hands were effectively bound by the rigorous discipline of his members (the Conservative chairs of all committees.) At **Delta**, a Liberal Democrat chair was reportedly not reappointed to the role because **Delta Labour** had felt that she had raised issues that were unpalatable. Furthermore, at **Gamma**, allocations were a result of private negotiations between two groups out of the three who, between them, had a numerical majority to push through their decisions. It was reported that they looked to be ‘*stopping individuals and promoting certain individuals, rather than about [selecting] the best talent*’ and inventing committees to ensure that certain people within the two groups were given roles. Within this allocation meeting, they nominated all the candidates for each of the committees, taking the responsibility away from the Conservatives in order to decide their own candidate.

In terms of intra-party nomination of candidates for roles, **Alpha** reported that the majority party executive O&S chair was a strategic nomination to keep the councillor ‘*sweet [...] because he is a high flyer*’ and operate ‘effectively’ in a defensive role for them since leaving the cabinet. There were also reports that the **Beta Conservative** chairs were chosen solely by

the leader, rather than the group, after all serving as assistant cabinet members, which **Beta LDs** believed ‘groomed’ them for protecting the group in O&S. Further to this, the leader of **Beta Conservatives** implied that the chairs might have been chosen in the knowledge they were not the best candidates for the role because ‘*those that are good at it tend to be more critical than the others.*’ **Delta Labour** were also reported to have made strategic nominations from their party, in order to protect the group, but this was not widely reported.

In relation to nominating ordinary members of the committees, there were three groups that appeared to control who appeared on which committee through a system of allocation rather than self-selection. In this way, these groups wanted to protect the party from certain members of their own group (e.g. loose cannons). This was most evident with the **Alpha Conservatives**, who only chose the most trusted, senior members (to serve silently) on the executive O&S committee. A weaker example was at **Delta Labour**, whose leader and chief whip allocated all committee positions for O&S but it was difficult to see any extraordinary group motivation beyond the efficiency of doing it this way. Unique to **Gamma**, leaders of the groups substituted for regular members of the group in almost every committee observation (apart from leader who attended to ‘oversee’ proceedings), which indicated strong concern over the public discussions and essentially leaving matters to non-executive members.

Effectively the quantitative research on this variable was only a very partial reflection of group activity within allocating O&S positions and nominating members. However the case studies provided useful illustrations of how groups allocated chairpersonships and how councillors were nominated for chairs and committees: *whilst superficially appearing open*

and legislatively-compliant, groups often subtly controlled how much freedom was given whilst doing this.

Case Study Summaries

Below are two tables which systematise the different levers of control over O&S used by groups in the case studies and in what instances the parties used these instruments in relation to the function. The first table (8.1) presents brief detail on **how groups controlled members** and the second table (8.2) presents a summary of the **intensity** of group control in each case study, relating to each variable.

Party Groups in O&S		Alpha District	Beta County	Gamma Unitary	Delta Metro
V1a	Pre-O&S Party Group Meetings	Yes (Majority) No (Opposition)	Yes (Majority) Possible (Opposition)	Yes (Largest Party) No (Opposition)	No
V1b	Exclusive Time Devotion to O&S in Group Meeting	Yes (Both Parties)	Yes (Both Parties)	Yes (All Parties)	Yes (Both – but only if important issue)
V2a	Holding to Account	Protective (Majority): Explicit group action preventing members from participating Attacking (Opposition): Group action to collectively arrange group line of holding to account.	Protective (Majority): Preventing or restricting what types of things could be held to account across all overview and scrutiny	Collusive & Protective: All of the three groups ensured that it was conditional on low press or public interest	Protective (Majority) & Aggressive (Opposition): Group control of call-in function.
V2b	Policy Development, Review & Pre-Scrutiny	Majority: Veto controversial topics Opposition: Steering the topics for group ends	Majority: Scrutiny diverted from controversial topics Opposition: Pre-ordained, group-agreed suggestions for work programme	Labour Opposition: Constraint on councillor's own policy dev contributions	No clear group roles
V2c	External Scrutiny	No	No	No	Majority: Directing O&S towards external rather than internal (Possible) Yes (majority)
V3	Centralisation of Policy Formulation	Yes (both majority and opposition)	Yes (only majority party)	Yes - Collusive centralisation to three leaders	Opposition: More related to call-in function.
V4	Preclusory Discipline	Advisory (Opposition) Explicit (Majority)	Advisory (Opposition) Explicit (Majority)	Advisory (Lab opposition) Explicit (LD minority admin)	Explicit (for both) but only in relation to 'call-n' function
V5	Cohibition of Councillor Communication	Majority: Cabinet & Leader Attend Scrutiny Committees Opposition: Leader attends scrutiny and interjects	Majority: Only in relation to Chairs	All parties cohibit members: Collusion amongst leaders to enforce	No – though possible with Majority chairs
V6	Administration of Castigative Discipline	Informal Warnings	None	Informal Warnings; Threats of Deselection	None
V7	Allocation of Positions	Allocation: Majority gave opposition the External chair for group diversion Nomination (Chairs): Majority group gave Exec chair role to operate 'effectively' for the group. Nomination (members): Centrally allocated for 'right people'	Allocation: All overview and scrutiny chairs (bar co-ordination committee) given to former cabinet advisors. Nomination (Chairs): Suggestion of group leader intentionally giving roles to 'poor quality' chairs	Allocation: Collusive between Two Parties (Largest and Smallest) to benefit these two parties alone. Support given by Labour. Nomination (members): Leaders substituted regular members regularly	Allocation: Removal of specific chairs when topic selections prove difficult for the Majority Party Nomination (members): Centrally allocated members, though with choice if disagreed.

Table 8.1: Types of Party Group Prevalence Across Case Study Authorities

Party Control in O&S		Alpha District	Beta County	Gamma Unitary	Delta Metro
V1a	Pre-O&S Party Group Meetings	High (M)	High (M)	High (M)	None
V1b	Exclusive Time Devotion to O&S in Group Meeting	High	High	High	Low
V2a	<i>Holding to Account</i>	High	High (M)	High	Moderate
V2b	<i>Policy Development, Review & Pre-Scrutiny</i>	High	High	Moderate (O)	None
V2c	<i>External Scrutiny</i>	Low	None	None	Moderate (M)
V3	Centralisation of Policy Formulation	High	High (M)	High	Moderate
V4	Preclusory Discipline	High	High	High	Low
V5	Cohibition of Councillor Communication	High	Moderate	High	Low
V6	Administration of Castigative Discipline	Low	None	Low (M)	None
V7	Allocation of Positions	High	High (M)	High	Moderate

(M) denoting Majority Party / Minority Admin
(O) denoting Opposition Party

Table 8.2: Levels of Party Group Control over O&S

Proximate Total Control of Alpha and Gamma: Why so dominant?

It was clear that the greatest group control over the O&S function was within Alpha and Gamma councils (Table 8.1 & 8.2). However, both Alpha and Gamma were not as intensively competitive, in electoral terms, as Delta, where the knife-edge majority could have been lost with a shift of one councillor. The assumptions that competitiveness could intensify the need to achieve party objectives and thus lead to more intensive protective behaviour did not occur in Delta. An explanation for this could be that both Alpha and Gamma were almost indicative of Downsian vote-maximising situations where the control of the authority could effectively change hands over a relatively short space of time (though between three parties in at Gamma.) For example, Alpha and Gamma had recently gone through a changing of hands (Labour had, in recent times, been the majority party at both) and whilst electoral competitiveness was not as arithmetically intense as in Delta, the history of Delta involved a procession of incredibly strong Labour majorities since reorganisation in the 1970s. In both Alpha and Gamma, the competitiveness was almost dictated by the possibility of change

because authority control had changed within memory of all councillors. Essentially the groups fitted Roemer's description of the vote-seeking model; '*opportunistic politics [...] of competing candidates*' (Roemer, 2001, p.27) and therefore group control was very high; it would make rational sense for both parties (of similar support) to vote-maximise and thus constrain councillor activity to meet their goals.

However, the methods of group control between the two were diametrically different. At Alpha there was proactive restraint and visible cohibition of councillors within both groups on O&S along with group meetings to mandate silence or encourage attacks, whipping to maintain lines and threats of discipline in case of deviance. At Gamma the group control was much more subtle, possibly reflecting the substantial functions of single-tier councils (and thus more media / public attention), and involved collusion in rendering O&S into a less dangerous proposition for all parties. For example, leaders attending, substituting and cutting off O&S committees for discussions behind closed-doors and ensuring that '*bad press*' was avoided by collusive agreement between the groups. Even the dichotomously split factions of the minority LD administration worked together as a team to ensure that all of the groups were protected from the possible dangers of public O&S. Despite these two different approaches, *the parties at these two authorities saw O&S as a dangerous (majority and Gamma groups) or profitable (Alpha Labour) public arena which needed to be controlled by the group in order to protect their electoral ambitions.*

On the one side, inter-party relations at Alpha council were sour (doubtless due to ideological distance between Labour & Conservatives) and the possibility of colluding to prevent O&S was unthinkable, therefore the groups had to use (but inevitably manipulate) O&S in such

way to as appear to give the impression of acting according to the legislation. On the other side, the ‘no overall control’ at Gamma and the three electorally competitive groups saw the function as something which could be transformed into, to use Ashworth’s (2003b) expression, a ‘*toothless tiger*’ for all concerned, in such a way to neutralise the threat for the competing groups who would prefer to move electoral competition to elections or elsewhere. For both Alpha and Gamma, whilst the methods were dissimilar the outcomes were the same, a strong group day-to-day control over O&S which allowed the parties to dictate how much the function was allowed to interfere with their quests for securing votes. O&S was essentially a risk for the groups of both councils and there were two distinct routes for protection; fight or hide.

Numeric vs. Non-Numeric Electoral Competition: Why the Beta / Delta Disparity?

Beta represented the least competitive environment amongst the cases but reported strong group control over the O&S function in comparison to Delta, where the majority group could have lost its majority on one seat. Beta controlled the topics and direction of scrutiny subtly, without a great deal of councillor cohibition, through the allocation of chairs to ensure group interests would not suffer as a result of O&S. Hence given the group control in such an electorally uncompetitive environment as Beta, why were the groups at Delta not equally or moreso concerned with the operation of O&S given the authority’s *intense* electoral competitiveness?

As one reason already stated above, Delta had a long history of Labour majorities and the superficial level of competitiveness engendered in the arithmetic proximity to losing a majority could have almost been disregarded as a possibility (i.e. “It would be unthinkable to

not be Labour”) However this does not explain why the Delta Conservative opposition did not utilise O&S to their advantage (beyond whipped call-ins) and actively take steps to control topics, seek collective lines and aim to deliver group ambitions through embarrassing the majority through O&S (as *Alpha Labour*). In this manner the opposition effectively permitted O&S to operate in the way which they had reported that the majority supposedly controlled it. An example of the Conservative reluctance was evident in day-to-day operation: ‘*I am the chair, I cannot take your side or agree or disagree because it is a political point* (as reported to **DC006C**).’ In effect, the opposition only used group control to whip the initiation and support of call-ins.

One major difference between the two authorities that could explain the seemingly opposite relationship to the theoretical assumptions about competitiveness (Copus & Leach, 2004 & Strøm, 1990) was that O&S was seen as a dangerous risk to leave untended at Beta but not so at Delta. At Delta, O&S committees tended to focus on micro-management of uncontroversial topics such as allotments management (*Liveability O&S*) or narrating stories of particular incidences of anti-social behaviour (*Crime O&S*) driven, at times, by elderly co-opted members desires to talk about minor and heuristic examples. At one of the committees the council leader argued, in an address to O&S, that the function should be looking at wider, strategic policy and having less ‘*chit chat about footpaths.*’ The levels of discussion at Delta, often more akin to a coffee-morning than a council, almost precluded the presence of the public and press, as the type of work would never elicit sufficient interest to warrant their presence. Further to this, the committees took place in small rooms without chairs and throughout observations there had never been any public or press attendance (*bar the call-in committee.*)

In this respect, whilst it was difficult to draw the link between the majority party and the committee's anodyne topics of micro-management (i.e. was this an intentional strategy?), it was evident that the opposition knew there was very little political capital to be made, or were unwilling to expend the effort, in attempting to control O&S. It could be hypothesised that due to the Conservatives never having been such a large group capable of winning a majority, it might have been plausible that they were organisationally weak through the inexperience of operating as such a large group. Either explanation goes some way to explaining the often inane '*chit-chat*' proceedings of the O&S committees. However when the stakes were high, at the time when the press and public were interested in outcomes (*call-ins*), the groups took strict control of proceedings and acted as a stringent filter of last resort.

To provide some element of confirmation of the evaluation of Delta, Beta groups, operating within one of the safest majorities across England, were more directly involved in the day-to-day operation of O&S, potentially in relation to the important issues covered within O&S that were relevant to the press and public. At observations of Beta, there were rows of seats for officers, press and the public to attend. At times there was often no room to take a seat, due to the sheer interest generated by the topics. As an arena of public deliberation there was clearly much more at stake and thus the majority group and opposition, at the least, attempted to corral work programmes to their favour within O&S.

Thus for both Beta and Delta party groups, there were elements of group control at opposite ends of the competitiveness spectrum, which indicated, at the least, that groups were concerned that *some* forms of public overview and scrutiny would be damaging to party goals.

Modelling Group Behaviour

Whilst not harbouring ‘*an ambition to come up with a universal theory of [local] politics*’ (Green & Shapiro, 1994, p.202-203), as often besets some state-level rational choice institutionalists, there is evidence to at least formulate some typologies for how some party groups have adapted to the institutional environment of the blended separation of powers in local government, relating back to some of the policy, office, vote motivations of groups (Strøm, 1990). These models are intended to be useful ways to view the behaviour of party groups, specifically within the case studies, that could have some wider application across local government. The following table (8.3) provides details of these types along with descriptions of operation and potential likely applications. Clearly these models of behaviour relate to the case studies under research, thus may only be a fraction of the types of strategic behaviour within English local government.

Type	Perspective	Possible Group Actions Taken	Description	Potential Application
Group as Cohibitor (Alpha)	O&S is threat to party goals	Predominantly V5 (also: V1, V2a,b,c,V3, V4,V5,V6,V7)	Where the group acts as cohibitor , the overview and scrutiny function is ostensibly run as the legislation intended, but with the group acting as a absolute constraint on individual councillor contribution to the function in order to deliver or protect the party's ambitions. This role runs across all roles of overview and scrutiny and micro-manages councillor contributions to open committee sessions. Evidence collection, deliberation and cross-party working is superficial unless stringently controlled by officers.	<i>Authorities with vote-maximising conditions such as 2, 3 party councils with relatively equal support and a damaging history of non-co-operation.</i> <i>Role might be more typical in adversarial / intensively combative councils.</i>
Group as Conspirator (Gamma)	O&S is threat to party goals	Predominantly V3 (also: V1, V2a,b, V4,V5,V6,V7)	When the group acts as a conspirator , the overview and scrutiny function is effectively an intended pretence, set up to replicate conditions of O&S but with the compliance of individual party groups, with reasoning that this will protect their goals within this arena. Ultimately the freedom of individual O&S committees is dependent on the agreement of the party leaders. The 'agents' of the party take effective centralised control over agendas / work programmes and seek to actively hold back 'real' O&S for a resolution behind closed-doors.	<i>Authorities with vote-maximising conditions, such as 2, 3 party councils with roughly equal chances of winning elections. The role would only be feasible where the history of the council has not shown a recent history of mistrust or adversarialism, thus preventing defection from the collusive pacts. Perhaps typical in councils with N.O.C but would not be a prerequisite.</i>
Group as Agenda Setter (Beta)	Some O&S is threat to party goals	Predominantly V7 for V2b (policy) (also: V1, V2a,b, V3, V4, V5, V7)	If a group acts as an agenda-setter the party seeks to ensure that the group retains the control of the O&S function. To do this involves allocation of party members to roles of influence (majority) to provide group pressure (or blocks for O&S). Alternatively, the group collectively seek to impress a topic direction onto the function as a party group rather than as individual councillors (opposition) to achieve their goals.	<i>Authorities with a large majority party seeking to maintain office (office-seeking) at an authority.</i> <i>For opposition groups, this would be a behaviour type where the direct policy / office impact might be sought through collectivity within O&S to attempt to control the agenda.</i>
Group as Safety Net (Delta)	Some O&S is threat to party goals	Predominantly V2a (also: V1b,V2a,c,V3, V7)	If a party group acts as a safety net within a local authority, its role is to protect the group in times of emergency or where the stakes are highest for the protection of their goals. This would chiefly relate to where O&S was seen as dangerous or risky to leave alone; such as 'holding to account' and the call-in function generating public interest which could shift the dynamics at the authority.	<i>Predominantly in authorities with little functional control and thus public interest (lower tier) or councils with a long-established majority / small opposition scenario, with tightly centralised decision-making. Party competition, whilst superficially evident, may be dormant / moribund.</i>

Table 8.3: Typologies of Possible Behaviour of Party Groups in English Local Government

Chapter Nine: Evaluation of Findings

The overall weight of the empirical data lends support to some of the postulations made in this research in relation to the operation of party groups under the blended separation of powers introduced in the Local Government Act 2000. By retaining the single-agency constitutional model, where the executive and legislature have a mutual dependence on each other, there is a perpetuation of the resolution of the Olsonian (1965) collective action dilemma, where the party leader or ‘agent’ had a role in protecting the group goals and ambitions. In creating a public deliberative function in this blended separation of powers, central government created an operating environment where goals and ambitions could come under threat and thus the agent (leader) might need to discipline his or her troops to protect objectives. Given that ‘*everyone would be better off if there were some way to coerce contributions*’ (Shepsle, 2006, p.31) to the cause of the party, the legislation effectively allowed groups to retain the functional control of their members.

Given that a membership and subsequent election of a candidate rests on the premise that the individual shares at least some of the fundamental ambitions of the party, there is a natural loyalty present which might need no reinforcement from a leader of a group. The institutional environment of the blended separation of powers also created a powerful hierarchal relationship between members where individuals could have a tendency to desire ‘*legislative re-election, climbing the ranks of the party, seeking a party portfolio [...] or policy goals*’ (Samuels & Shugart, 2006, p.12) and thus be more likely to respect the chain of command and agent wishes by ‘*binding their hands to the group [...] and investing in the public good [of the party brand]*’¹ (Samuels & Shugart, 2006, p.13). Furthermore, the group provides

¹ See Q3.9 /3.10 /5.11/ 5.13/ 5.14 of the survey

electoral benefits to politicians that are unattainable to those outside these organisations, thus the group supplies '*collective benefits that would not accrue in their absence*' (Samuels & Shugart, 2006, p.12) which automatically generates loyalty to the group as a means to prevent exclusion.

However despite all this natural loyalty built into the institutional environment, party loyalty was fundamentally put at odds with the introduction of an evidence-based function seeking to remove the group as an element of control over individual members. In presenting councillors with a dichotomous choice of data vs. group, the O&S function was founded on the principal that parties '*would be less able to operate behind closed doors without debate and review*' (DETR, 1998a, p.30). In bringing deliberation out into public view, the function posed a threat to the operation of groups through the economic free-rider dilemma, where individual members could negatively impact the group instead of protecting the public good of the party brand. As discovered in the quantitative work (Q5.12), this was and remains the case, where members were able to act against the interests of the group but in tandem with the expectations of the legislation.

As such, this research looked to explore the potential party 'agency' controls that could arise as a result of the free-rider dilemma and the possibility of harming goals through an open deliberative arena. The thesis hypothesised that levers were available to party groups, which would be pulled in order to preclude deviance and free-riding within overview and scrutiny. Party groups would ensure meetings formulated party perspective, dominate the multiplicity of roles of the O&S function, centralise the decision-making process within groups for goal-efficiency, cohibit members in the public arena, whip members on matters of serious

consequence, punish deviants who defect from the party and allocate positions according to the groups' interest.

As a result of this research, it was found that **most local authority groups did pull on some of these levers, some of the time** and a majority of English party groups were willing to proactively bring their members in O&S under control. However, the incidences of these actions were varied across groups and not all parties used all of the levers available to them. From the quantitative data, it was clear that groups often refrained from using the most serious levers such as explicit whipping and instead held milder and more subtle control over topic shaping (controlling the work programme, 'offline' meetings, strategy meetings, advisory whipping et al.) or allocated positions in their favour (diverting the opposition with external scrutiny, ensuring chairs were pliant to party demands, allocating senior members who could be trusted with the most important O&S committees et al.) Whilst there were very few authorities who pulled on every single lever of control for the protection of the group's ambitions (such as *Groups as Cohibitors: Alpha*), there remained, even with the least involved groups, a desire to control O&S in the last resort (*Group as Safety Net: Delta.*)

As far as propensities for pulling these levers, very few situational attributes made groups more prone to act in one way and not in another, countering both earlier work on O&S (Copus & Leach, 2004) but also more general state-level assumptions (Strøm, 1990). Whilst competition (*ultra-competitive authorities*) was theorised to possibly result in more utilisation of control mechanisms, given logically heightened desires to protect goals, it was not necessarily demonstrated to be the case. As regards the importance of political party affiliation, there were only a few minor indicators to differences, such as the Liberal

Democrat propensity to share chairpersonships more evenly than the Labour or Conservative group, however, Liberal Democrat groups appeared to operate the most stringent whipping and group meeting arrangements. The greatest affiliation difference was between both the two largest parties Labour / Conservatives and the Liberal Democrats, which likely reflected Strøm & Muller's (1999) assertion that centripetal pivot parties would most likely act in policy or office-seeking ways as opposed to more ideologically-constrained parties (Labour and Conservatives), reflecting their oft malleable position in coalition behaviour (i.e. being offered O&S chairs and when incumbent, offering more O&S chairs to opposition parties.) Equally, across both incumbent and opposition groups, there were no major differences to indicate that these levers were only used defensively by those in control of an administration and not offensively by the opposition.

Overwhelmingly **local parties acted as political parties**; organisations which aggregated preferences and sought to protect their cause in the structure to which they had been subjected. In terms of the central government's goals, the Local Government Act 2000 sought to increase transparency and reduce '*opaque decision-making [where] significant decisions were taken behind closed doors by political groups or even by a small group of key people within the majority group*' (DETR, 1998b, p.18) and reflected a ministerial desire to rid the '*old structures in which decisions were almost invariably reached in group meetings*' (Nick Raynsford, MP). Essentially, as Gyford (1976) noted, this type of perspective taken on local government was fundamentally prescriptive. The legislation sought to rid local government of the dominant party group because it was thought possible to have a disagreement-free, evidence-based local government allegedly '*untainted by problems of political power*' (1976, p.9). However, party groups play vital roles in the resolution of local disagreements in lively

policy spaces and the subsequent implementation of the Act providing the option for a *blended separation of powers* instead of compelling a *clearly delineated separation of powers*, which would have likely quelled power of parties, allowed the groups to consolidate their roles, rather than encouraging them to stand aside.

It is clear from this research that the Act served to, at the very least, maintain or effectively strengthen the role of the party group on local authorities due to the institutional environment it created. As Sheple discovered in his research on the U.S Congress, there was a '*structure-induced equilibrium [...] All was not flux, final outcomes were not arbitrary*' (Shepsle, 1989, p.136-137) and in the implementation of the Local Government Act 2000, the structure-induced equilibrium was the perpetuation of group dominance, closed-door decision-making and a further disenfranchisement of councillors '*feeling unable to influence events*' (DETR, 1998a, p.29), who now were not only removed from decision-making but often prevented, through their group, from being able to use evidence to hold decision-makers to account.

Evidence for Policy Change?

Despite the structure-induced equilibrium of party group involvement in O&S, there might have been ways to prevent the dominance of the groups within a blended separation of powers in such a way to achieve the original intention of an evidence-based function that looked beyond the typical adversarial politics. Given that the legislation sought to prevent '*opaque decision making [and a situation where] significant decisions [were] taken behind closed doors by political groups*' (DETR 1998b, p.18), central government could have mandated to firm up control over the operation of O&S. Whilst likely to have been unpopular, the legislation could have mandated for opposition or independent chairs, committees being able

to nominate chairs and barring executives from attending committees unless providing evidence. However these suggestions suffer from difficulties such as the opposition using chair positions strategically, committees dominated by the majority group favouring group-sponsored candidates and members reporting to an executive on colleague's behaviour in O&S. Furthermore the monetary compensation for chair responsibilities are often part of the traditional 'spoils' for party groups in local government, thus mandating opposition-chaired committees would have been unpopular and possibly distortive for electoral campaigns. Even the Wright Committee recommendations for the improvement of the Commons select committees (House of Commons, 2009), such as independent selection panels, could have been difficult to implement in local government given the administrative burden.

One recommendation from the Wright Committee which could have resulted in more member independence would have been secret ballots for positions of responsibility, due to the anonymity and consequent freedom granted to members. Clearer cut as a method to reduce group dominance would have been to match the *special responsibility allowances* of executive positions and O&S chairs to avoid careerist concerns inhibiting independence in a blended separation of powers. By providing a commensurate remuneration for O&S positions, the careerist concerns, as evidenced by Labour in the survey (Q3.9 – fearing no promotion) and Conservatives at Alpha (fearing loss of pension), could reduce and enable the possibility of public scrutiny, without fear of financial reprisal.

Above all, if the government's intention was to remove the party group grip on decision-making in local government, it would have been more appropriate to clearly delineate the separation of powers in local government and thus to have legislated to introduce directly-

elected mayors. In this way, rigorous, evidence-based scrutiny could have taken place without fear of the group dominating decision-making, whilst providing an '*identifiable figure leading the local community*' (DETR 1998b, p.19). Given the Madisonian transactional nature of decision-making in the directly-elected mayoral option offered in the Local Government Act 2000, parties would have been forced into intra-party negotiation rather than top-down commands and it would have prevented the '*symbiotic mutual dependence between branches of government*' (Samuels & Shugart, 2010, p.37) which resulted in close-knit teams of politicians colluding on how best to '*protecting the party reputation [to maintain] the value of the party label*' (Samuels and Shugart, 2010, p.35). However, through listening to the lament of local government which showed '*little support for radical change*' (Stoker, G & Wollmann, H 1992, p.266), central government, in the introduction of the cabinet, leader and scrutiny model served to make local government more, rather than less, prone to domination by party groups.

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Appendix A: Copy of Questionnaire Sent to Overview and Scrutiny Councillors

Overview and Scrutiny Councillors: 10 Years On

Instructions:

- Please try to be as accurate as you can and remember that there are no right or wrong answers.
- If you serve on more than one council **please answer the questions from the perspective of the council to which this survey was addressed.**
- All responses are **strictly confidential and you will not be identified personally.** Responses will be looked at, used for the research and destroyed on completion of the study.
- Please try to **answer every question – even if you think it is not relevant** – because there should be an option for you to tick even if that question does not apply in your circumstances. (*This does not apply to Section 4 – as you may not have served before the Local Government Act 2000*)

**Please return the completed survey in the self-addressed envelope.
Alternatively, you can fill in the survey online at XXXXXXXXXXXXXXXXXXXX**

Section One: Your Councillor Profile

1.1 Are you a member of an overview and scrutiny committee, task group, working group or O&S sub-committee?

- Yes
 No – I'm part of an executive or I only serve on regulatory or other non-O&S committees

1.2 Is the council to which you received the letter a:

- Shire District / Borough Unitary London Borough
 Shire County Metropolitan Borough

1.3 Are you a member of a political party? If so, please select the appropriate option.

- Conservative
 Labour
 Liberal Democrat
 None of the above

1.4 Are you...?

- The leader / deputy leader of your party group or the party group whip
 None of the above

1.5 Do members of your party hold all the cabinet posts in your council?

- Yes
 No
 Not applicable – we use the *alternative arrangements* (modified committee system)

1.6 Do members of your party hold any cabinet posts (as part of a coalition) in your council?

- Yes, we form the whole Executive
 Yes, the Executive includes councillors from more than one party, **including ours.**
 No, we are totally a party of opposition – holding no cabinet portfolio
 Not applicable – we use the *alternative arrangements* (modified committee system)

1.7 Have you been a councillor before the introduction of the Local Government Act 2000?

- Yes – I have been a councillor prior to the Local Government Act 2000
 No – I have served as a councillor only under the Local Government Act 2000

1.8 Does your authority have a majority party?

- Yes – there is a party with a majority and they are in control of the authority
 No – we have a minority administration / hung council / no overall control

Section Two: Yourself and Overview and Scrutiny

2.1 How many overview and scrutiny committees, working groups and/or task-and-finish groups do you currently sit on? (Circle as appropriate)

0	1	2	3	4	5	6+
----------	----------	----------	----------	----------	----------	-----------

2.2 How many of your overview and scrutiny committees, working groups and/or task-and-finish groups (that you personally sit on) are currently chaired by a majority party on the council? (Circle as appropriate)

0	1	2	3	4	5	6+
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2.3 How many of your overview and scrutiny committees, working groups and/or task-and-finish groups (that you personally sit on) are currently chaired by opposition parties (who are not part of an executive) on the council? (Circle as appropriate)

0	1	2	3	4	5	6+
----------	----------	----------	----------	----------	----------	-----------

2.4 Do you currently have a chair position on an overview and scrutiny committee, a working group and/or a task-and-finish group?

- Yes, I'm a chair
- Yes, I'm a vice-chair
- No

2.5 If you are a chair or vice-chair, how did you obtain the position? (Multiple choices permitted)

- Nomination from **own** party group
- Nomination from **other** party group
- Nomination from **full council** (election with other members)
- Nomination from a **scrutiny committee** that **IS** dominated by the majority party
- Nomination from a **scrutiny committee** that is **NOT** dominated by the majority party
- Not applicable – I am not a chair or vice-chair
- Other method (please specify)

Section Three: Operating within Overview and Scrutiny

3.1 Have you ever attended a party group meeting which exclusively dealt with agendas of forthcoming scrutiny committees or short-life task-and-finish / working group meetings?

- Yes, *all of the time*
- Yes, *some of the time*
- Yes, *occasionally*
- Yes, *on rare occasions*
- Yes, *on one occasion*
- No, *never*

3.2 Do any regular party group meetings devote a portion of time to the agendas of scrutiny committees or short-life task-and-finish / working group meetings?

- Yes – *up to about 5 minutes*
- Yes – *up to about 15 minutes*
- Yes – *up to about 30 minutes*
- Yes – *up to about an hour or over*
- No – *no time is ever devoted to this in regular party group meetings*

3.3 Have you ever received informal pressure from your group leader(s), party whip etc. about things under consideration by an overview and scrutiny committee meeting? (For example, you are advised to act as directed)

- Yes, *all of the time*
- Yes, *some of the time*
- Yes, *occasionally*
- Yes, *on rare occasions*
- Yes, *on one occasion*
- No, *never*

3.4 Have you ever been subject to an explicit party whip about issues under consideration in overview and scrutiny? (For example, you are told to act as directed)

- Yes, *all of the time*
- Yes, *some of the time*
- Yes, *occasionally*
- Yes, *on rare occasions*
- Yes, *on one occasion*
- No, *never*

3.5 Have you ever been briefed by your local party group leader(s) about the way to conduct yourself in overview and scrutiny committees? (*Multiple selections permitted*)

- Yes, *when the system was first introduced*
- Yes, *when I criticise the executive or local party during O&S*
- Yes, *when the subject was controversial*
- Yes, *when elections were due*
- Yes, *when I first stood for election*
- Yes, *when the press / public were going to be there*
- Yes, *when I agree with other parties*
- Yes, *when I rebel against decisions made by my party in public*
- Yes, *other reason (please specify)*
- No, *never*

3.6 Have you ever been disciplined by your local party group leader(s) in relation to your actions in overview and scrutiny committees? (*Multiple selections permitted*)

- Yes, *when the system was first introduced*
- Yes, *when I criticise the executive or local party during O&S*
- Yes, *when the subject was controversial*
- Yes, *when elections were due*
- Yes, *when I first stood for election*
- Yes, *when the press / public were going to be there*
- Yes, *when I agree with other parties*
- Yes, *when I rebel against decisions made by my party in public*
- Yes, *other reason (please specify)*
- No, *never*

3.61 Only if yes to the previous question (3.06), what was the nature and extent of the party discipline? (*Multiple selections permitted*)

- Received a informal warning from the party
- Received a formal warning from the party
- Not reappointed to an existing role (such as a committee or policy post et al.)
- Removed from an appointment (such as a committee or policy post et al.)
- A failure to be recommended as a candidate at a subsequent election
- Suspended from the party group (i.e. the removal of the whip)
- None of these options from any part of the party
- Another form of punishment (please specify)

3.7 Since the introduction of the Local Government Act 2000, have you ever criticised the decisions made by your party in any public sphere; such as overview and scrutiny, full council or directly to the local, regional or national press?

- Yes, *all of the time*
- Yes, *some of the time*
- Yes, *occasionally*
- Yes, *on rare occasions*
- Yes, *on one occasion*
- No, *never*

3.71 Only if yes to the previous question (3.07); as a result of your criticism which of the following subsequently occurred? (*Multiple selections permitted*)

- Received a informal warning from the party
- Received a formal warning from the party
- Not reappointed to an existing role (such as a committee or policy post et al.)
- Removed from an appointment (such as a committee or policy post et al.)
- A failure to be recommended as a candidate at a subsequent election
- Suspended from the party group (i.e. the removal of the whip)
- None of these options from any part of the party
- Another form of punishment (please specify)

3.8 Since the introduction of the Local Government Act 2000, have you ever criticised the decisions made by your party in any private sphere; such as in group or coalition meetings, the local party meetings, national party conferences et al.?

- Yes, *all of the time*
- Yes, *some of the time*
- Yes, *occasionally*
- Yes, *on rare occasions*
- Yes, *on one occasion*
- No, *never*

3.9 On a scale of 1 to 7, where 1 means strongly disagree and 7 means strongly agree (*circle your choice as appropriate*), how much do you agree or disagree with this statement:

“I would be concerned about the consequences of criticising my own party in public; in relation to my position within my local party group.”

1	2	3	4	5	6	7
----------	----------	----------	----------	----------	----------	----------

1 means you completely disagree and 7 means you completely agree.

3.10 On a scale of 1 to 7, where 1 means strongly disagree and 7 means strongly agree (*circle your choice as appropriate*), how much do you agree or disagree with this statement:

“I would be concerned about the consequences of criticising my own party in public; in relation to my party’s chances at the next election.”

1	2	3	4	5	6	7
----------	----------	----------	----------	----------	----------	----------

1 means you completely disagree and 7 means you completely agree.

Section Four: The Change towards Overview and Scrutiny

Relevance Note:

If you have not served as a councillor before the introduction of the Local Government Act 2000, please skip to Section 5 and tick this box []

4.1 Do you think that your own party group conducts more or less meetings now compared to before the introduction of the Local Government Act 2000?

- Considerably more party group meetings since the Act
- Quite a lot more party group meetings since the Act
- A fair amount more party group meetings since the Act
- Exactly the same amount of party group meetings since the Act
- A fair amount less party group meetings since the Act
- Quite a lot less party group meetings since the Act
- Considerably less party group meetings since the Act

4.2 How much more or less comfortable do you feel criticising your own party leadership in overview and scrutiny conditions or in a public arena since the introduction of the Local Government Act 2000?

- Considerably more comfortable to criticise my own party leadership since the Act
- Quite a lot more comfortable to criticise my own party leadership since the Act
- A fair amount more comfortable to criticise my own party leadership since the Act
- Exactly the same level of comfort since the Act
- A fair amount less comfortable to criticise my own party leadership since the Act
- Quite a lot less comfortable to criticise my own party leadership since the Act
- Considerably less comfortable to criticise my own party leadership since the Act

4.3 How much more or less discipline has been used to control members of your party since the introduction of the Local Government Act in 2000? (Not just yourself)

- Considerably more discipline of party members
- Quite a lot more discipline of party members
- A fair amount more discipline of party members
- Exactly the same level of discipline of party members
- A fair amount less discipline of party members
- Quite a lot less discipline of party members
- Considerably less discipline of party members

4.4 On a scale of 1 to 7, how much control do you think your own party has over its members under both the old committee system and the modern arrangements? (Please circle the appropriate selection)

4.4a - Before the Local Government Act 2000: 'The Committee System'

1	2	3	4	5	6	7
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The scale runs from 1 meaning absolutely no control and 7 meaning absolute complete control

4.4b - Subsequent to the Local Government Act 2000: 'Overview and Scrutiny'

1	2	3	4	5	6	7
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The scale runs from 1 meaning absolutely no control and 7 meaning absolute complete control

Section Five: Final considerations in relation to your non-executive role in council

This section is relevant to all respondents
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The final section of the study is a series of fictional statements with which you may either agree or disagree with. We aim to discover what course of action you might have taken if a situation were to be presented to you. Please continue to answer these questions as honestly as you can, as **there are certainly no right or wrong answers** and your answers are **completely confidential**. Even if you think these situations may never arise in your particular circumstances, please take a moment to consider what you would be most likely to do.

5.1 Please rank how much you agree with the following statements using the scale from 1-7 – where 1 means you completely disagree with the statement and 7 means you completely agree with the statement.

5.11 *“If there is a problem in my ward that has been caused by a decision made by my own party, I would contact my group leader(s) to express my serious concern and try and work out a solution. There’s no point giving the opposition ammunition by opening up such a simple thing to wider debate!”*

1	2	3	4	5	6	7
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1 means you completely disagree and 7 means you completely agree.

5.12 *“If one of my ward constituents contacted me about a problem that they had encountered and it seemed like a sensible topic for an overview and scrutiny investigation, I would try and raise the item in overview and scrutiny first rather than taking it to my party.”*

1	2	3	4	5	6	7
----------	----------	----------	----------	----------	----------	----------

1 means you completely disagree and 7 means you completely agree.

5.13 *“My aim as a councillor is to make a difference to the lives of people by feeding into the policy process with my ward residents in mind. If I am unpopular in the party group it makes ‘making a difference’ much harder.”*

1	2	3	4	5	6	7
----------	----------	----------	----------	----------	----------	----------

1 means you completely disagree and 7 means you completely agree.

5.14 *“It is reasonable to be expected to fall in line when it comes to agreeing with what the party asks me to do. If I am loyal to our cause I am more likely to get into a position of influence. With this wider area of influence, I can make life better for my constituents by having some control over the authority’s work programme.”*

1	2	3	4	5	6	7
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1 means you completely disagree and 7 means you completely agree.

YOU HAVE REACHED THE END OF THE SURVEY

*Please can you post the completed survey using the enclosed envelope and pre-paid, pre-addressed sticker. **You do not need to attach a stamp as postage is paid.***

Sincere thanks for your time in completing the study. If you have any questions regarding the completion of this survey or just have more information for the research, please contact mxe760@bham.ac.uk with the details of your information or query. Many thanks for your help.

Mark Ewbank, Institute of Local Government Studies (INLOGOV)

Appendix B – Schedule of Interviews / Observations

List of interviews:

Ministerial interviews:

Rt. Hon. Hilary Armstrong, Baroness Armstrong of Hill Top,
9th July 2008, House of Commons

Rt. Hon. Nick Raynsford MP,
8th July 2008, Portcullis House

Rt. Hon. Michael Ray Dibdin Heseltine, Baron Heseltine,
10th December 2009, via telephone

Correspondence:

Lisa Nandy MP, Member for Wigan,
4th November 2010, via written correspondence

Other Interviews:

Member, Høyre Party, Bergen City Council,
27th May 2009, Department of Comparative Politics, University of Bergen

Local Government Schedule of Interviews:

#	Council	Code	Biographic Detail	Date
1	Alpha	AD001C	Conservative councillor with chair or vice-chair	12/02/2010
2	Alpha	AD002L	Senior Labour councillor	13/02/2010
3	Alpha	AD003L	Group Leader (Labour)	17/02/2010
4	Alpha	AD004C	Group & Council Leader (Conservative)	18/02/2010
5	Alpha	AD005IN	Independent councillor	23/02/2010
6	Alpha	AD006C	Conservative councillor with chair or vice-chair	08/03/2010
7	Alpha	AD007C	Conservative councillor with chair or vice-chair	08/03/2010
8	Alpha	AD008L	Labour councillor	15/04/2010
9	Alpha	AD009L	Labour councillor	12/05/2010
10	Alpha	AD010L	Labour councillor	13/05/2010
11	Alpha	AD011C	Conservative councillor	17/05/2010
12	Alpha	AD012C	Conservative councillor	25/05/2010
13	Alpha	AD013C	Conservative councillor with chair or vice-chair	27/05/2010
14	Alpha	AD014C	Conservative councillor	27/05/2010
15	Alpha	AD015L	Labour councillor	01/06/2010
16	Beta	BC001LD	Lib Democrat councillor with chair or vice-chair	13/02/2010
17	Beta	BC002C	Conservative councillor with chair or vice-chair	25/02/2010
18	Beta	BC003C	Conservative councillor with chair or vice-chair	04/03/2010
19	Beta	BC004LD	Lib Democrat councillor with chair or vice-chair	08/03/2010
20	Beta	BC005LD	Liberal Democrat councillor	11/03/2010
21	Beta	BC006C	Conservative councillor	17/05/2010
22	Beta	BC007C	Conservative councillor	25/05/2010
23	Beta	BC008IN	Independent councillor	26/05/2010
24	Beta	BC009LI	Liberal councillor	28/05/2010
25	Beta	BC010LD	Group Leader (Liberal Democrat)	02/06/2010
26	Beta	BC011C	Conservative councillor with chair or vice-chair	08/06/2010
27	Beta	BC012C	Conservative councillor with chair or vice-chair	08/06/2010
28	Beta	BC013C	Group & Council Leader (Conservative)	09/06/2010
29	Beta	BC014C	Conservative councillor with chair or vice-chair	15/06/2010
30	Beta	BC015C	Conservative councillor with chair or vice-chair	15/06/2010
31	Gamma	GU001LD	Senior Liberal Democrat councillor	18/02/2010
32	Gamma	GU002L	Group Leader (Labour)	22/02/2010
33	Gamma	GU003C	Group Leader (Conservative)	*25/02/2010
34	Gamma	GU004C	Conservative councillor	01/03/2010
35	Gamma	GU005L	Labour councillor with chair or vice-chair	02/03/2010

Appendix B – Schedule of Interviews / Observations

36	Gamma	GU006LD	Liberal Democrat councillor	02/03/2010
37	Gamma	GU007LD	Liberal Democrat councillor	08/03/2010
38	Gamma	GU008C	Conservative councillor with chair or vice-chair	28/04/2010
39	Gamma	GU009C	Conservative councillor	15/05/2010
40	Gamma	GU010LD	Group & Council Leader (Liberal Democrat)	17/05/2010
41	Gamma	GU011C	Conservative councillor with chair or vice-chair	26/05/2010
42	Gamma	GU012L	Labour councillor	28/05/2010
43	Gamma	GU013L	Labour councillor	01/06/2010
44	Gamma	GU014LD	Lib Democrat councillor with chair or vice-chair	01/06/2010
45	Gamma	GU015LD	Liberal Democrat councillor	02/06/2010
46	Delta	DM001C	Conservative councillor	02/03/2010
47	Delta	DM002L	Group & Council Leader (Labour)	10/03/2010
48	Delta	DM003L	Labour councillor	10/03/2010
49	Delta	DM004C	Conservative councillor	*19/04/2010
50	Delta	DM005C	Conservative councillor with chair or vice-chair	*19/04/2010
51	Delta	DM006C	Conservative councillor	*19/04/2010
52	Delta	DM007C	Conservative councillor	*19/04/2010
53	Delta	DM008L	Labour councillor	*19/04/2010
54	Delta	DM009L	Labour councillor	22/04/2010
55	Delta	DM010L	Labour councillor	22/04/2010
56	Delta	DM011L	Labour councillor	13/05/2010
57	Delta	DM012LD	Lib Democrat councillor with chair or vice-chair	26/05/2010
58	Delta	DM013C	Group Leader (Conservative)	03/06/2010
59	Delta	DM014L	Labour councillor	09/06/2010
60	Delta	DM015L	Labour councillor	22/06/2010

* – Asterisk indicates the interview was conducted face-to-face. All other Local Government interviews conducted via telephone.

List of Overview & Scrutiny Observations

#	Council	Title (abstracted / abridged)	Date
1	Alpha District	Executive O&S	Thursday 4 th February 2010
2	Alpha District	Corporate O&S	Wednesday 3 rd March 2010
3	Alpha District	Corporate (Crime & Disorder) O&S	Thursday 4 th March 2010
4	Beta County	Health O&S	Wednesday 10 th February 2010
5	Beta County	O&S Performance Board	Thursday 25 th February 2010
6	Beta County	Environment and Economy O&S	Thursday 4 th March
7	Beta County	Health O&S	Wednesday 10 th March 2010
8	Beta County	Social Care O&S Task Group	Tuesday 18 th May 2010
9	Gamma Unitary	O&S Management Committee	Wednesday 10 th February 2010
10	Gamma Unitary	Children & Young People O&S	Wednesday 24 th February 2010
11	Gamma Unitary	Health O&S	Thursday 25 th February 2010
12	Gamma Unitary	O&S Management Committee	Wednesday 10 th March 2010
13	Gamma Unitary	Partners & Growth O&S	Tuesday 6 th April 2010
14	Delta Metro	Crime and Community O&S	Monday 15 th February 2010
15	Delta Metro	Liveability O&S	Tuesday 16 th February 2010
16	Delta Metro	Health & Social O&S	Thursday 11 th March 2010
17	Delta Metro	Liveability O&S	Monday 12 th April 2010
18	Delta Metro	Crime and Community O&S	Monday 19 th April 2010
19	Delta Metro	Lifelong Learning O&S	Monday 19 th April 2010

Appendix C - Questionnaire Data

1.1– Screening Question (i.e. Overview and Scrutiny Councillors Only)

1.2 Is the council to which you received the letter a:

	Frequency	Valid Percent	Cumulative Percent
Valid Shire District / Borough	366	42.0	42.0
Unitary	87	10.0	52.0
London Borough	124	14.2	66.2
Shire County	115	13.2	79.4
Metropolitan Borough	179	20.6	100.0
Total	871	100.0	

1.3 Are you a member of a political party? If so, please select the appropriate option:

	Frequency	Valid Percent	Cumulative Percent
Valid Conservative	462	53.0	53.0
Labour	192	22.0	75.1
Liberal Democrat	217	24.9	100.0
Total	871	100.0	

1.4– Screening Question (i.e. Leader / Not Leader Only)

1.5 Do members of your party hold all the cabinet posts in your council?

	Frequency	Valid Percent	Cumulative Percent
Valid Yes	475	54.5	54.5
No	343	39.4	93.9
Alternative Arrangements	53	6.1	100.0
Total	871	100.0	

1.6 Do members of your party hold any cabinet posts (as part of a coalition) in your council?

	Frequency	Valid Percent	Cumulative Percent
Valid Yes - Whole Executive	454	52.1	52.1
Yes - Executive includes Cllrs from more than 1 party (including ours)	86	9.9	62.0
No - Totally Party of Opposition	271	31.1	93.1
Not Applicable - Alternative Arrangements	60	6.9	100.0
Total	871	100.0	

Appendix C - Questionnaire Data

1.7 - Have you been a councillor before the introduction of the Local Government Act 2000?

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes - Councillor Before LG2000	344	39.5	39.5
	No - Councillor After LG2000	527	60.5	100.0
	Total	871	100.0	

1.8 - Does your authority have a majority party?

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes	715	82.1	82.1
	No	156	17.9	100.0
	Total	871	100.0	

2.1 How many overview and scrutiny committees, working groups and/or task-and-finish groups do you currently sit on?

		Frequency	Valid Percent	Cumulative Percent
Valid	0	14	1.6	1.6
	1	288	33.3	35.0
	2	298	34.5	69.4
	3	136	15.7	85.2
	4	77	8.9	94.1
	5	24	2.8	96.9
	6	27	3.1	100.0
	Total	864	100.0	
Missing	System	7		
	Total	871		

Appendix C - Questionnaire Data

2.2 How many of your overview and scrutiny committees, working groups and/or task-and-finish groups (that you personally sit on) are currently chaired by a majority party on the council?

		Frequency	Valid Percent	Cumulative Percent
Valid	0	235	27.4	27.4
	1	245	28.6	55.9
	2	219	25.5	81.5
	3	87	10.1	91.6
	4	48	5.6	97.2
	5	12	1.4	98.6
	6	12	1.4	100.0
	Total	858	100.0	
Missing	System	13		
Total		871		

2.3 How many of your overview and scrutiny committees, working groups and/or task-and-finish groups (that you personally sit on) are currently chaired by opposition parties (who are not part of an executive) on the council?

		Frequency	Valid Percent	Cumulative Percent
Valid	0	463	53.8	53.8
	1	258	30.0	83.7
	2	90	10.5	94.2
	3	21	2.4	96.6
	4	13	1.5	98.1
	5	8	.9	99.1
	6	8	.9	100.0
	Total	861	100.0	
Missing	System	10		
Total		871		

Appendix C - Questionnaire Data

2.4 Do you currently have a chair position on an overview and scrutiny committee, a working group and/or a task-and-finish group?

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes - Chair	216	24.9	24.9
	Yes - Vice Chair	122	14.1	39.0
	No	529	61.0	100.0
	Total	867	100.0	
Missing	System	4		
Total		871		

2.5 - If you are a chair or vice-chair, how did you obtain the position? (Multiple choices permitted)

		Responses		Percent of Cases
		N	Percent	
PartyNoms ^a	Nominated by Own Party	260	28.4%	30.0%
	Nominated by Other Party	12	1.3%	1.4%
	Nominated by Full Council	59	6.4%	6.8%
	Nominated by Scrutiny Committee Dominated by Majority Party	51	5.6%	5.9%
	Nominated by Scrutiny Committee Not Dominated by Majority Party	13	1.4%	1.5%
	<u>Not a Chair or Vice-Chair of Overview and Scrutiny</u>	521	56.9%	60.2%
	Total	916	100.0%	105.8%

3.1 - Have you ever attended a party group meeting which exclusively dealt with agendas of forthcoming scrutiny committees or short-life task-and-finish / working group meetings?

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes, all of the time	74	8.6	8.6
	Yes, some of the time	76	8.8	17.4
	Yes, occasionally	72	8.4	25.8
	Yes, on rare occasions	52	6.0	31.8
	Yes, on one occasion	26	3.0	34.8
	No, never	562	65.2	100.0
	Total	862	100.0	
Missing	System	9		
Total		871		

Appendix C - Questionnaire Data

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	150	17.2	17.4	17.4
	Yes, Occasionally	150	17.2	17.4	34.8
	No, Never	562	64.5	65.2	100.0
	Total	862	99.0	100.0	
Missing	System	9	1.0		
Total		871	100.0		

3.2 Do any regular party group meetings devote a portion of time to the agendas of scrutiny committees or short-life task-and-finish / working group meetings?

		Frequency	Valid Percent	Cumulative Percent
Valid	No, no time	476	55.7	55.7
	Yes - 5 mins	103	12.0	67.7
	Yes - 15 mins	140	16.4	84.1
	Yes - 30 mins	94	11.0	95.1
	Yes - 60 mins+	42	4.9	100.0
	Total	855	100.0	
Missing	System	16		
Total		871		

		Frequency	Valid Percent	Cumulative Percent
Valid	No Time Devotion	476	55.7	55.7
	Up to 30 minutes	243	28.4	84.1
	Greater than 30 minutes	136	15.9	100.0
	Total	855	100.0	
Missing	System	16		
Total		871		

Appendix C - Questionnaire Data

3.3 - Have you ever received informal pressure from your group leader(s), party whip etc. about things under consideration by an overview and scrutiny committee meeting? (For example, you are advised to act as directed)

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes, all of the time	17	2.0	2.0
	Yes, some of the time	35	4.1	6.1
	Yes, occasionally	56	6.5	12.6
	Yes, on rare occasions	72	8.4	21.1
	Yes, on one occasion	21	2.5	23.5
	No, never	654	76.5	100.0
	Total	855	100.0	
Missing	System	16		
Total		871		

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes	52	6.1	6.1
	Yes, Occasionally	149	17.4	23.5
	No, Never	654	76.5	100.0
	Total	855	100.0	
Missing	System	16		
Total		871		

3.4 Have you ever been subject to an explicit party whip about issues under consideration in overview and scrutiny? (For example, you are told to act as directed)

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes, all of the time	8	.9	.9
	Yes, some of the time	20	2.3	3.3
	Yes, occasionally	27	3.1	6.4
	Yes, on rare occasions	34	4.0	10.3
	Yes, on one occasion	13	1.5	11.9
	No, never	758	88.1	100.0
	Total	860	100.0	
Missing	System	11		
Total		871		

Appendix C - Questionnaire Data

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes	28	3.3	3.3
	Yes, Occasionally	74	8.6	11.9
	No, Never	758	88.1	100.0
	Total	860	100.0	
Missing	System	11		
Total		871		

3.5 Have you ever been briefed by your local party group leader(s) about the way to conduct yourself in overview and scrutiny committees? (Multiple selections permitted)

		Responses		Percent of Cases
		N	Percent	
Briefed	Briefed when System Introduced	83	8.8%	9.7%
	Briefed when Criticise Local Party During OS	14	1.5%	1.6%
	Briefed when Issue Controversial	84	8.9%	9.8%
	Briefed when Elections Due	9	1.0%	1.0%
	Briefed when First Standing for Election	64	6.8%	7.5%
	Briefed when Press or Public to attend	17	1.8%	2.0%
	Briefed when I agree with Other Parties	9	1.0%	1.0%
	Briefed when I rebel against Decisions from Own Party	14	1.5%	1.6%
	Not Briefed	647	68.8%	75.4%
	Total	941	100.0%	109.7%

Appendix C - Questionnaire Data

3.6 Have you ever been disciplined by your local party group leader(s) in relation to your actions in overview and scrutiny committees? (Multiple selections permitted)

		Responses		Percent of Cases
		N	Percent	
DiscOS	Disciplined when System Introduced	3	.3%	.3%
	Disciplined when Criticise Local Party During OS	3	.3%	.3%
	Disciplined when Issue Controversial	7	.8%	.8%
	Disciplined when Elections Due	3	.3%	.3%
	Disciplined when I agree with Other Parties	7	.8%	.8%
	Disciplined when I rebel against Decisions from Own Party	6	.7%	.7%
	Disciplined other reason	6	.7%	.7%
	Not Disciplined	838	96.0%	97.3%
Total		873	100.0%	101.4%

3.61 Only if yes to the previous question (3.06), what was the nature and extent of the party discipline? (Multiple selections permitted)

		Responses		Percent of Cases
		N	Percent	
PunishOS	Informal Warning	12	32.4%	34.3%
	Not Reappointed to Role	5	13.5%	14.3%
	Removed from Appt / Role	1	2.7%	2.9%
	Failure for Recommendation as Candidate	1	2.7%	2.9%
	Suspended from Party Group	2	5.4%	5.7%
	Not Punished	16	43.2%	45.7%
Total		37	100.0%	105.7%

Appendix C - Questionnaire Data

3.7 Since the introduction of the Local Government Act 2000, have you ever criticised the decisions made by your party in any public sphere; such as overview and scrutiny, full council or directly to the local, regional or national press?

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes, all of the time	2	.2	.2
	Yes, some of the time	22	2.6	2.8
	Yes, occasionally	46	5.4	8.2
	Yes, on rare occasions	102	11.9	20.1
	Yes, on one occasion	37	4.3	24.4
	No, never	647	75.6	100.0
	Total	856	100.0	
Missing	System	15		
Total		871		

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes	24	2.8	2.8
	Yes, Occasionally	185	21.6	24.4
	No, Never	647	75.6	100.0
	Total	856	100.0	
Missing	System	15		
Total		871		

3.71 Only if yes to the previous question (3.07); as a result of your criticism which of the following subsequently occurred? (*Multiple selections permitted*)

		Responses		Percent of Cases
		N	Percent	
PunishPublic	Informal Warning	25	11.7%	11.8%
	Formal Warning	5	2.3%	2.4%
	Nor Reappointed to Role	10	4.7%	4.7%
	Removed from Appt / Role	2	.9%	.9%
	Not Punished	171	80.3%	81.0%
Total		213	100.0%	100.9%

Appendix C - Questionnaire Data

3.8 Since the introduction of the Local Government Act 2000, have you ever criticised the decisions made by your party in any private sphere; such as in group or coalition meetings, the local party meetings, national party conferences et al.?

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes, all of the time	19	2.2	2.2
	Yes, some of the time	112	13.2	15.4
	Yes, occasionally	187	22.0	37.4
	Yes, on rare occasions	198	23.3	60.6
	Yes, on one occasion	35	4.1	64.7
	No, never	300	35.3	100.0
	Total	851	100.0	
Missing	System	20		
Total		871		

		Frequency	Valid Percent	Cumulative Percent
Valid	Yes	131	15.4	15.4
	Yes, Occasionally	420	49.4	64.7
	No, Never	300	35.3	100.0
	Total	851	100.0	
Missing	System	20		
Total		871		

3.9 On a scale of 1 to 7, where 1 means strongly disagree and 7 means strongly agree (circle your choice as appropriate), how much do you agree or disagree with this statement: "I would be concerned about the consequences of criticising my own party in public; in relation to my position within my local party group."

		Frequency	Valid Percent	Cumulative Percent
Valid	1	143	16.8	16.8
	2	120	14.1	30.9
	3	83	9.8	40.7
	4	128	15.0	55.7
	5	108	12.7	68.4
	6	130	15.3	83.7
	7	139	16.3	100.0
	Total	851	100.0	
Missing	System	20		
Total		871		

Appendix C - Questionnaire Data

3.10 On a scale of 1 to 7, where 1 means strongly disagree and 7 means strongly agree (circle your choice as appropriate), how much do you agree or disagree with this statement: “I would be concerned about the consequences of criticising my own party in public; in relation to my party’s chances at the next election.”

		Frequency	Valid Percent	Cumulative Percent
Valid	1	97	11.4	11.4
	2	77	9.0	20.4
	3	82	9.6	30.0
	4	108	12.7	42.7
	5	119	14.0	56.7
	6	161	18.9	75.6
	7	208	24.4	100.0
	Total	852	100.0	
Missing	System	19		
Total		871		

(Conditional Questions – Section 4)

4.1 Do you think that your own party group conducts more or [fewer] meetings now compared to before the introduction of the Local Government Act 2000?

		Frequency	Valid Percent	Cumulative Percent
Valid	Considerably more party group meetings	19	5.7	5.7
	Quite a lot more party group meetings	20	6.0	11.7
	A fair amount more party group meetings	55	16.5	28.1
	Exactly the same level of party group meetings	175	52.4	80.5
	A fair amount fewer party group meetings	34	10.2	90.7
	Quite a lot fewer party group meetings	14	4.2	94.9
	Considerably fewer party group meetings	17	5.1	100.0
	Total	334	100.0	
Missing	System	537		
Total		871		

Appendix C - Questionnaire Data

4.2 How much more or less comfortable do you feel criticising your own party leadership in overview and scrutiny conditions or in a public arena since the introduction of the Local Government Act 2000?

		Frequency	Valid Percent	Cumulative Percent
Valid	Considerably more comfortable	7	2.1	2.1
	Quite a lot more comfortable	4	1.2	3.3
	A fair amount more comfortable	25	7.6	10.9
	Exactly the same level of comfort	252	76.4	87.3
	A fair amount less comfortable	14	4.2	91.5
	Quite a lot less comfortable	8	2.4	93.9
	Considerably less comfortable	20	6.1	100.0
	Total	330	100.0	
Missing	System	541		
Total		871		

4.3 How much more or less discipline has been used to control members of your party since the introduction of the Local Government Act in 2000? (Not just yourself)

		Frequency	Valid Percent	Cumulative Percent
Valid	Considerably more discipline	2	.6	.6
	Quite a lot more discipline	14	4.2	4.8
	A fair amount more discipline	21	6.3	11.2
	Exactly the same level of discipline	257	77.6	88.8
	A fair amount less discipline	11	3.3	92.1
	Quite a lot less discipline	9	2.7	94.9
	Considerably less discipline	17	5.1	100.0
	Total	331	100.0	
Missing	System	540		
Total		871		

Appendix C - Questionnaire Data

4.4 On a scale of 1 to 7, how much control do you think your own party has over its members under both the old committee system and the modern arrangements? (Please circle the appropriate selection)

4.4a - Before the Local Government Act 2000: 'The Committee System'

		Frequency	Valid Percent	Cumulative Percent
Valid	1	9	2.7	2.7
	2	25	7.5	10.2
	3	35	10.5	20.8
	4	99	29.8	50.6
	5	76	22.9	73.5
	6	54	16.3	89.8
	7	34	10.2	100.0
	Total	332	100.0	
Missing	System	539		
Total		871		

4.4b - Subsequent to the Local Government Act 2000: 'Overview and Scrutiny'

		Frequency	Valid Percent	Cumulative Percent
Valid	1	17	5.1	5.1
	2	28	8.4	13.6
	3	40	12.0	25.6
	4	99	29.8	55.4
	5	74	22.3	77.7
	6	47	14.2	91.9
	7	27	8.1	100.0
	Total	332	100.0	
Missing	System	539		
Total		871		

Appendix C - Questionnaire Data

Section Five

5.11 “If there is a problem in my ward that has been caused by a decision made by my own party, I would contact my group leader(s) to express my serious concern and try and work out a solution. There’s no point giving the opposition ammunition by opening up such a simple thing to wider debate!”

		Frequency	Valid Percent	Cumulative Percent
Valid	1	16	1.9	1.9
	2	14	1.6	3.5
	3	10	1.2	4.7
	4	38	4.4	9.1
	5	89	10.4	19.6
	6	188	22.0	41.6
	7	499	58.4	100.0
	Total	854	100.0	
Missing	System	17		
Total		871		

5.12 “If one of my ward constituents contacted me about a problem that they had encountered and it seemed like a sensible topic for an overview and scrutiny investigation, I would try and raise the item in overview and scrutiny first rather than taking it to my party.”

		Frequency	Valid Percent	Cumulative Percent
Valid	1	155	18.2	18.2
	2	120	14.1	32.2
	3	75	8.8	41.0
	4	132	15.5	56.5
	5	109	12.8	69.3
	6	115	13.5	82.8
	7	147	17.2	100.0
	Total	853	100.0	
Missing	System	18		
Total		871		

Appendix C - Questionnaire Data

5.13 “My aim as a councillor is to make a difference to the lives of people by feeding into the policy process with my ward residents in mind. If I am unpopular in the party group it makes ‘making a difference’ much harder.”

		Frequency	Valid Percent	Cumulative Percent
Valid	1	71	8.4	8.4
	2	56	6.6	15.0
	3	71	8.4	23.3
	4	177	20.9	44.2
	5	185	21.8	66.0
	6	145	17.1	83.1
	7	143	16.9	100.0
	Total	848	100.0	
Missing	System	23		
Total		871		

5.14 “It is reasonable to be expected to fall in line when it comes to agreeing with what the party asks me to do. If I am loyal to our cause I am more likely to get into a position of influence. With this wider area of influence, I can make life better for my constituents by having some control over the authority’s work programme.”

		Frequency	Valid Percent	Cumulative Percent
Valid	1	71	8.4	8.4
	2	91	10.7	19.1
	3	90	10.6	29.7
	4	202	23.8	53.5
	5	166	19.6	73.0
	6	131	15.4	88.5
	7	98	11.5	100.0
	Total	849	100.0	
Missing	System	22		
Total		871		

Appendix D – List of Associated Papers

The following papers were presented at academic conferences between 2007 and 2010. Text within these papers may include direct or amended excerpts from this thesis.

Ewbank, M (2010) “Not just something for non-executives to do’: Party reaction to the opening of the ‘theatre of representation’ in English Local Government.” Paper Presented at the 60th Anniversary Political Studies Association Annual Conference

Ewbank, M (2009) “Crashing the Party: The separation of powers in local government and the role of party groups.” Paper Presented at the 59th Political Studies Association Annual Conference

Ewbank, M (2009) “Direct Democracy a la mode: Party Behaviour in the Landtag of North Rhine-Westphalia.” Paper Presented at the 59th Political Studies Association Annual Conference

Appendix E –Interview Guide

Interview Guide

Standard Guide without specific committee observation references

V1 Party Group Meetings

Frequency (* conditional Q probe – comparative to before legislation)

Agenda (purposive or accidental / unintentional coverage of O&S)

Relation to O&S and issues under consideration in O&S (topic linkages – i.e. topic X)

Group Lines

- Formed? [* - Leaders (For what purpose? Why necessary?)]
- Divided? (Is that acceptable?)

Group Pressure

- How?
- Why?
- Heeded?

Organisation vs. Briefing

- Informational?
- Corraling or deliberating?

V2 Pervasiveness of Party

Control element with any council business [* - Members]

Control element with O&S [* - Members]

Comparison between arena (**O&S v.s. non-O&S**, but also **Public vs. Private**)

What is the party place in your (work) on O&S?

- Precedence
- Control
- Neutral

V3 Centralisation

Direction of information flow top-down, self-sourced or officer-assisted? [* - Members]

- If self-sourced/ officer-assisted – filtered?

Specific instructions / briefing on **policy** matters?

- **Party policy** vs. evidence-sourced policy?

Policy discussions – deliberative, informative or instructive? [* - Leaders / Members]

Hierarchies of information (i.e. group as barrier to information?) [* - Leader specific]

V4 Preclusory Discipline

Organisational discipline – occurrences? [* - Leaders / Members]

- When?
- How?
- Why?
- Level of intensity?
- Does councillor heed the organisational control? [* - Leaders & Members]

Appendix E –Interview Guide

Deconstruction of organisational discipline (hard vs. soft)

- Mandation
 - o Topic-based? Rarity? [* - Leaders probe – why?]
- Advisory
 - o Topic-based? Rarity? [* - Leaders probe – why?]

V5 Cohibition

Prevention of deliberation (freedom of action?)

Prevention of public deliberation (freedom of action?)

Reporting of active blocks (in committee, before committee)

Inhibiting factors blocking O&S?

Executive monitoring of activities? [* - Leaders probe – why?]

V6 Castigative Discipline

Evidence of occurrence? (within own party)

Possibility of occurrence? (within own party)

On occurrence:

- When?
- Why? [* - Leaders probe – why?]
- How? [* - Leaders probe – why?]
- Level of intensity?
- Heed instructions as result of threat of CD?

Legitimate vs. soft threat?

Fear of executive?

Fear of punishment? [e.g. promotion, prevention of role allocation (**unspoken but probe if raised**)]

V7 Allocation of Positions

How are positions allocated? [* - both Leaders / Members]

How [X] allocated? (Context of committee)

Why [X] allocated? (Context of committee)

Chair roles (positions of responsibility) [* - Leaders probe – why?]

Committee roles (why?) [* - Leaders probe – why?]

Self-selection (role of party as filter?) [* - Leaders probe – why?]

Allocation of roles to parties [* to Leaders]

Process of nomination [* to Leaders]

- How?
- Why?
- Member resistance?

Appendix F – Observation Guide

Observations

Main themes for each committee:

Pre-commencement

Pre-committee information

(Agenda, Minutes of Previous Committee, Pre-Committee Reports)

Arrival at committee (Group-based, free-arrival, individual vs. together)

Presence of Observers:

1. Witnesses (number, type)
2. Presence of (general) third-parties (observers, stakeholders)
3. Presence of public
4. Presence of press
5. Presence of non-committee councillors (Exec or non-executive? Maj. / Opp. group? Leaders of groups? Other political representatives (MPs)?

Seating Arrangements (as Ashworth 2003a & 2003b)

Meeting

Contributions (frequencies of each member) by party group

Non-contributors (note) by party group

Questioning – following agenda / topic / theme / evidence / witness

Questioning – tangential / anecdotal

Questioning – aggressive / agreeable (consensus-building of Qs cross-party)

Chair – behaviour, willingness to incorporate members (monitor frequencies & credence given)

Consensus – where, how, topic (issue under consideration).

- Evidence-based? (issues agreed upon (see pre-committee information)
- Group-based? (i.e. seniority consensus with other parties – and other councillors falling into line?)

Divisions & Disagreements – party split, member split?

Divisions & Disagreements – held lines?

- Agreement forthcoming from party vs. silence from party.

Divisions & Disagreements – resolved in committee (rather than outside)

Divisions & Disagreements – does majority line translate to minutes / results of committee

Dissent – any active dissent from committee members at any point?

Dissent – any active dissent from non-committee members at any point?

External Contributions – executive allowed to speak (attend & contribute or attend alone)?

- **DIRECTIONAL** or **OBSERVATIONAL**?

External Contributions – public allowed to speak (on agenda / at end)?

- Councillor interaction with gallery (if applicable)

Close of Meeting – contentious issues – resolved, postponed, agreed-upon before closure?