

MAKING THE MOST OF MAYORS

Lessons learnt from the existing mayoral local authorities

Foreword

The citizens of England's eleven biggest cities outside London will vote next year on whether they want an elected mayor. A yes vote will mark a significant change to the make-up of their local government. Mayors come with greater executive powers and a direct mandate from a broad electoral base.

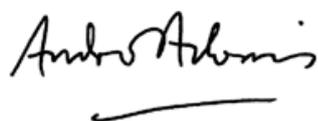
I have made no secret of the advantages I think mayoral governance can offer a city. Mayors can provide cities with the visible and accountable local leadership they need to drive change. But mayoral governance can also be a daunting proposition for a local authority. The election of a mayor can mean new personalities, arrangements and direction for the council. Recently I conducted a tour of the eleven cities that are due to hold referenda in 2012. The councillors, chief executives and officials I met repeatedly told me that they would welcome advice on how to make the most of the mayors.

Fortunately for these areas, twelve local authorities have already trodden the path of mayoral governance. Valuable lessons can be learnt from the experiences of these first moving authorities. I therefore welcome this timely report which looks at the experience of existing mayoral authorities and extrapolates some key lessons for making the transition to mayoral governance a success.

It's fair to say the picture is mixed. Mayoral governance cannot fix an already broken system of local government. But mayors, even with limited formal powers, can occupy a highly influential position at the centre of a web of institutions both within the council and across their place.

Successful mayors are integrated into this web through strong, productive relationships with their cabinet, councillors, officers, community groups and service providers. *Making the Most of Mayors* looks at how these relationships can be built in ways which are conducive to good government and accountable to the local populations they serve.

This report forms part of the *Institute for Government's* ongoing work on improving the effectiveness of mayoral governance. The Institute has made recommendations elsewhere on the ways in which the model could be significantly improved.¹ We look forward to working with any new mayoral authorities that are created after the referenda in May next year.



Andrew Adonis

The Rt. Hon. Lord Adonis, Director, Institute for Government

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About the author

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Executive summary

Our research into the experiences of 9 of England's 12 mayoral authorities reinforces our view that mayoral governance offers distinct advantages in terms of increased accountability, influence, coordination and improved decision making.²

As a result, it is perhaps unsurprising that many mayoral authorities are performing well, with the last Audit Commission reports giving three of the twelve mayoral local authorities (Lewisham, Hartlepool and Middlesbrough) four stars, the highest possible rating.³

In Stoke, however, the mayoral model struggled to take root. Indeed in 2008 the people of Stoke voted to do away with the mayoral model just six years after introducing it. Professor Michael Clarke, chair of the commission sent to investigate the failing authority, commented that he and his staff were "dismayed at the extent to which the city's political system [was] damaged."⁴

Such differences in mayoral performance, and the reasons for them, are of interest both to existing mayoral authorities and for cities hoping to adopt the mayoral model. Much has now been learnt about how to get mayoral governance working to its full potential – and this report, which is based on twenty-five hours of interviews with key figures from nine of the mayoral authorities and a deliberative workshop with academics and practitioners, shares the lessons.

Our central finding is that getting mayoral governance right requires careful nurturing of relationships between the institutions involved. Mayors have limited formal powers but occupy a potentially highly influential position at the centre of a web of institutions both within the council and across the locality. Within the limits of the existing mayoral model, the key to achieving an effective mayoral authority is for the various institutions to look to each other as assets and work together as a coherent whole. Mayors, who occupy a unique central position in this web, must develop strong, productive relationships with the other institutions, drawing them together and coordinating between them. The better these relationships are the better the system as a whole will function.

² Swinney, Smith and Blatchford, 'Big Shot or Long Shot', Centre for Cities and Institute for Government, available at: <http://www.centreforcities.org/bigshot>

³ Audit Commission, 'CPA – The Harder Test, Scores and analysis of performance in single-tier and county councils 2008', available at: <http://www.audit-commission.gov.uk/SiteCollectionDocuments/AnnualReports/2009/05032009CPATheHarderTestREP.pdf>

⁴ Nick Watson, 'Damaged Potteries', *BBC* (28 May 2008), available at: http://news.bbc.co.uk/1/hi/programmes/politics_show/7423057.stm

Our research identified five of the most important relationships and highlights where both established and new mayoral authorities should concentrate to achieve improvement:

- 1. The relationship between the mayor and their place:** Mayors need to fully exploit the soft powers which their office provides, including their ability to ask, convene and coordinate. Mayors can overcome the confines of their limited formal powers and the fragmented public service delivery landscape by developing strong relationships with other local public service providers, the business community and civil society organisations.
- 2. The relationship between non-executive councillors and their wards:** Councillors are generally under-utilised within mayoral authorities and there is a good deal of confusion over their roles. Some mayors have successfully involved councillors by devolving power to councillors at ward level. These ward level committees and forums have proven most valuable when they are given real powers and financial resources and when the Overview and Scrutiny committee use them to gain citizens input into the scrutiny process.
- 3. The relationship between Overview and Scrutiny and the executive:** There is widespread recognition that scrutineers in local government are failing to achieve their potential. The key to turning scrutiny around is to demonstrate to disaffected councillors that effective scrutiny can be very powerful, for example by taking new councillors to see projects which have been shaped and improved by the scrutiny process.
- 4. The relationship between mayors and their cabinet:** The relationship between the mayor and their cabinet is critical, as the cabinet is the main institutional bridge between the mayor and councillors. We outline three stylised approaches that a mayor can adopt in relation to their cabinet, all of which can be effective.
- 5. The relationship between the officers and the council:** The mayor's relationship with their officials, especially with the chief executive, is crucial to the effective functioning of the authority. Monitoring officers play an especially important role during the transition explaining and enforcing the new arrangements. In Doncaster confusion about the new arrangements led to a division in the secretariat and deep dysfunction in the council.

The challenges of developing strong institutional relationships are particularly great for independent and minority mayors, who cannot rely on formal party structures to secure votes and are therefore vulnerable to councillors voting down their proposals. Prior to election, some of the independent mayors also have little political experience or knowledge of local government process – again increasing the challenges for getting mayoral governance working smoothly.

We recommend that mayoral authorities should learn from each other's best practice. Where they have not already done so,

Mayors should:

1. Fully exploit their soft power and concentrate on developing the relationships that underpin these powers
2. Devolve power and responsibility, for anti-social behaviour for example, to councillors on ward level forums. Councillors should be given sufficient power and resources to ensure they can deliver change and to ensure that ward level forums do not just become talking shops

Mayoral authorities should:

3. Consider, during their preparation for an election, what training and other support might be needed to support a politically or otherwise inexperienced mayor
4. Give the mayor a veto over the appointment of the chief executive
5. Give councillors the power to appoint their own dedicated overview and scrutiny support officer, through the appointments committee
6. Ensure that all councillors have clearly defined roles and job descriptions
7. Designate an officer responsible for supplying councillors with information in a useful format

Councillors should:

8. Establish systematic scrutiny review processes to follow up all recommendations made by the Overview and Scrutiny committee
9. Be involved in the redesign of the scrutiny process. This will help to achieve the requisite buy-in and create an important psychological break with the past in order to renew the scrutiny process. Councillors should consider using a leaner, task and finish overview and scrutiny set up

Monitoring officers should:

10. Take an "activist" approach during the transition to the mayoral model, dealing with any confusion over new roles, powers and reporting arrangements before they become big problems. Monitoring officers should advise members on which avenues for action are available to them under the new arrangements, as well as which ones are not, in order to channel political energies into the appropriate avenues

Independent and minority mayors should:

11. Proactively engage with councillors, especially the leader of the majority group, by maintaining regular dialogue and making regular use of pre-decision scrutiny
12. Seriously consider the delegation of executive power to individual cabinet members as a way of attracting talent to their cabinets and sending a signal they are willing to work with the rest of the council.

These measures, drawn from good practice across England, are intended to stimulate discussion and debate about how to get the most from the current mayoral model - and we stress that there is no definitive blueprint for success. However, we do hope that this body of knowledge proves useful and that it also provides reassurance to those who are considering adopting mayoral governance. Adopting a new governance model has its risks but we now have a wealth of experience to draw on to help ensure a smooth transition and deliver better government for citizens.

1. Introduction

Aims

This report seeks to distil and disseminate important lessons from the existing mayoral local authorities on how to ensure mayoral governance achieves its full potential.

The report does not actively question the current local authority mayoral model – which elsewhere we argue could be significantly strengthened to improve local governance and economic performance across England. The report also omits comment on the London mayoral model, which differs radically from the model in England’s eleven other existing mayoral authorities.

Audience

The primary intended audience is those in leadership roles working in mayoral local authorities and those authorities that are likely to adopt the mayoral model following mayoral referenda in 2012.⁵ The sections about overview and scrutiny and the role of councillors however, will also be of relevance to other non-mayoral authorities with separate executives.

Institute for Government research suggests some of the opposition in the eleven remaining cities is rooted in the negative experiences in mayoral authorities in Doncaster and Stoke-on-Trent. If that is the case then by providing some insights into how to make a success of mayoral governance, we intend that this paper will help inform the debates in the eleven cities about whether an executive mayor is the best option.

Methodology

This paper is based on:

- A review of existing literature on ‘what works’ in terms of mayoral governance
- 25 hours of semi-structured interviews with mayors, councillors and senior officers from ten of the existing twelve mayoral local authorities
- An expert seminar with academics and practitioners used to test some of our findings.

Interviews were used to identify examples of success and failure in existing mayoral authorities and to explore the reasons for positive and adverse outcomes.

From the start we should make clear, however, that our intention is not to offer a single blue print or route map for success. Each local authority has its own political culture, history and issues.

⁵ In saying mayoral *local authorities* we mean to exclude the Greater London Assembly. The GLA has a unique institutional make-up.

Figure 1 Mayors in English Local Government, History and Context

Elected mayors for English local government were recommended by Michael Heseltine in 1991 amidst concern about corruption and mismanagement in local government. Tony Blair, then leader of the opposition, was among those that argued that a switch to the directly elected mayoral model would improve the calibre of local leaders and revive local democracy.¹ This political momentum led to the Greater London Authority Act 1999 which created the Mayor of London after 72% voted yes in a London-wide referendum.¹ The Labour government also planned to introduce the mayoral model at local authority level but the policy was generally opposed by local politicians. The Local Government Act 2000 stopped short of mandating the introduction of mayors and instead offered three options for separate executive local government arrangements:

- Elected mayor and cabinet
- Elected mayor and council manager (now abolished)
- Leader and cabinet

Local authority mayors were given, and still have, very few additional powers. Indeed the initial differences between the elected mayor and cabinet model and the leader and cabinet model were diminished slightly by the Local Government and Public Involvement in Health Act 2007. The main difference, in terms of constitutionally defined powers, is that amendment or rejection of a mayor's proposals requires a two-thirds majority of the council.

There are 12 directly elected mayors in local government in England. There appears to be a consensus that the elected mayoral model has been more successful in some local authorities (e.g. Lewisham, Hartlepool) than in others (e.g. Doncaster, Stoke-on-Trent.) A list of the local authorities that have adopted the mayoral model of governance, the political affiliation of the successful candidates and information on their backgrounds prior to being elected mayor is set out in Annex 1.

The question of how to make a successful transition to the mayoral model has become more important with the introduction of the Localism Bill which, if enacted, will give the Secretary of State the power to compel a local authority to hold a referendum on the introduction of the mayoral model. The Government has made clear its intention to use these provisions to compel referendums in twelve of the largest English cities outside London. Leicester City Council has since switched to the mayoral model on its own initiative and elected its first mayor, Sir Peter Soulsby, in May 2011. Although none of the three main parties officially oppose the introduction of mayors, local political party groups have their own positions on whether the mayoral model is the right form of governance for their city.

Source: Institute for Government

Structure

Our research revealed that the success of the local authority mayoral model depends heavily on the quality of relationships between the institutions involved. There are two reasons that relationships are so important in getting mayoral government working.

First, and unlike the London Mayoralty which was created from scratch by the Greater London Authority (GLA) Act 1999 and subsequent Acts of Parliament, elected mayors in local authorities were grafted on to the existing governance arrangements. As a result, it is still the council as a whole (that is the councillors and the mayor) rather than the mayor alone that is the legal entity entitled to set the council tax, employ staff, and enter into contracts for goods and services. Local Authority mayors are also required to form a cabinet drawn from the elected councillors rather than being able to appoint people from outside the council (as the Mayor of London is able to do). As we will show, grafting the mayor on to the existing system of government in this way can create some frictions between the executive, councillors and the administration. Good relationships between the institutions are essential in helping draw them together to work as a coherent whole.

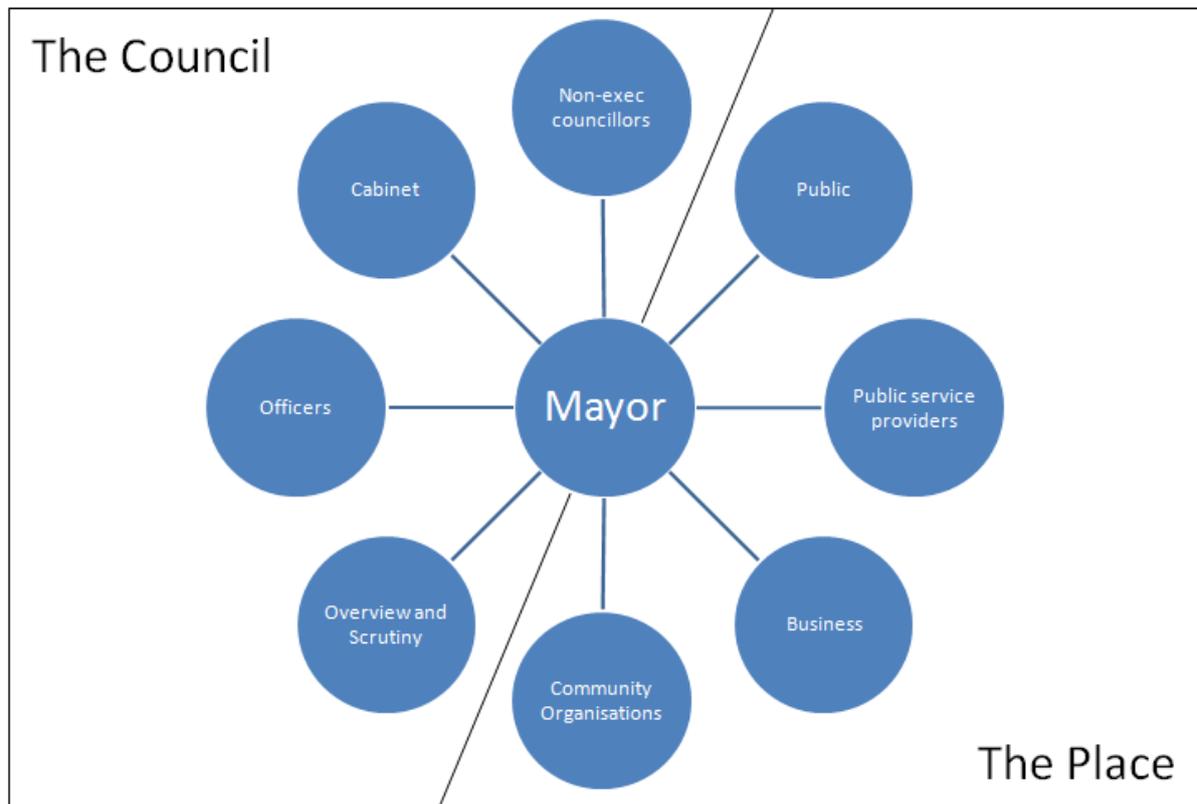
Second, the UK has a fragmented system of public service delivery. In all local authorities there are a number of different statutory bodies with their own system of governance and leadership. In Bradford, for example, of the estimated £4.4bn of public money spent in 2008/09 only £2.6bn (57%) was spent by local bodies, and only around £1.5bn of this was expenditure by Bradford Council.⁶ Local controllable spend⁷ was estimated to be around 15.4% when ring fenced grants were taken into account.⁸ This fragmentation, combined with the complicated and interrelated nature of social problems, means that relationships between institutions are of the utmost importance in securing good outcomes.

Figure 2 depicts the set of institutions which make up mayoral government and what our research showed to be the most important relationships between them. The numbers in Figure 2 indicate the chapter in which the report discusses the lessons learned about how to get these institutional relationships working properly.

⁶ City of Bradford Metropolitan District Council Summary Accounts 2008-09; Bradford District Partnership, 'Bradford Total Place Report' (2010)

⁷ expenditure on things which it has control over, as opposed to things that are paid directly to schools and other institutions

Figure 2 The institutions of mayoral governance



Source: Institute for Government

2. Mayors and their place

The public have high expectations of elected mayors yet the local authority mayoral model government currently offers mayors very few additional formal powers. Our research showed that existing mayors have bridged this gap by positioning themselves as leaders of the place and utilising the soft powers that their direct election and high profile gives them. These powers include the ability to convene, coordinate and ask.

Some existing mayors, especially those who had previously been council leader, found they were slow in adapting to fully exploit this potential. From day one, mayors should be investing in the relationships that allow them to make the most of their soft powers; the ability to get what you want through attraction and persuasion rather than the use of incentives or threats.

The mayor's soft power

The case for elected mayors is often predicated upon their ability to provide strong leadership and make a greater contribution to achieving successful economic, social and environmental outcomes in their cities.⁹ Yet the extent to which new city mayors will be provided with additional powers to achieve this is still unclear. The Localism Bill seeks to give the Secretary of State the ability to confer a wide range of additional powers on the mayor of a local authority using secondary legislation.¹⁰ At this stage however, it is unclear what additional powers might be considered. The mayors we spoke to would welcome additional powers, in line with high public expectations of the role. However, by exploiting their electoral mandate, visibility and legitimacy as directly elected leaders, they suggested it was possible to provide strong leadership even with their limited powers.

As an example of their greater electoral mandate, Steve Bullock, the Mayor of Lewisham, was elected by 52,531 members of the public,¹¹ while Councillor Peter John, the leader of neighbouring Southwark council was elected by 2502 members of the public as one of three councillors to represent South Camberwell ward in Southwark.¹²

The greater electoral mandate gives mayors greater visibility and a higher profile. NLGN research in 2003 found that mayors were better recognised than council leaders.¹³ Lewisham Council polling

⁹ Communities and Local Government, 'Localism Bill: creating executive mayors in the 12 largest English cities impact assessment' (Communities and Local Government)

¹⁰ Localism Bill 2010-2011 as introduced into the House of Commons 13 December 2010 Schedule 2 paragraph 9HF

¹¹ Lewisham Mayoral Election 6 May 2010 results available at

<http://www.lewisham.gov.uk/CouncilAndDemocracy/DemocracyAndElections/Elections/Mayoral/MayoralResults6May2010.htm> accessed 4 April 2011

¹² Election Results for South Camberwell Ward 6th May 2010 available at

http://www.southwark.gov.uk/site/custom_scripts/viewelection.php?pollid=18 accessed 4 April 2011

¹³ NLGN, 'Mayors Mid-term: Lessons from the first eighteen months of elected mayors' p60

showed that in 1998 only 5% of residents could correctly name the leader of the council. By 2004 31% of those polled knew the name of the mayor.¹⁴

The mayors we interviewed suggested that their visibility and direct electoral mandate allowed them to:

- Position themselves as leaders of the place
- Convene and coordinate local networks
- Ask local actors to act in the interests of the authority.

In summary, they had the ability to influence beyond their formal remit. This influence is important, not least because there will always be issues beyond the mayor's, and indeed the state's, formal control.

The mayor as leader of the place

The mayors we interviewed suggested it was important that they made the most of their high profile and direct election to position themselves as outwards looking leaders of the place rather than just leader of the council.¹⁵ In our interviews mayors generally reported spending about 50-70% of their time in outward facing roles, building relationships with local stakeholders, as opposed to more inward facing political management of the council.¹⁶

"Because there's an understanding of your legitimacy...you're operating at a different level. I think you're leader of the borough not leader of the council." – mayor

As leader of the council, it was more insular, working within the council almost. Whereas with the mayor, you're out there, you're outside, your face is known...It was almost, he got elected, and then they [local stakeholders] were at the doorstep." – senior officer

International mayors are also seen as leaders of their place. Comparative research from the Netherlands found that direct election can "accelerate the tendency of mayors to become local leaders".¹⁷

Mayors as conveners and coordinators

The mayors we interviewed suggested that their soft power allows them to convene and coordinate different community interests and service providers beyond those for which the council is directly

¹⁴ Data provided by Lewisham Council

¹⁵ For more on place leadership see Lyons, 'Place shaping: a shared ambition for the future of local government', available at: <http://www.lyonsinquiry.org.uk/>

¹⁶ The precise amount varied over time, with mayors reporting spending more time on council business during their first months of office.

¹⁷ Schaap, Daemen and Ringeling, 'Mayors in Seven Countries: part II – performance and analysis.' Local Government Studies (2009)

responsible. One mayor saw their role as being a like a thread which runs through the place drawing together different actors, helping them communicate and work together.

"His base had expanded significantly and he had to recognise there were other organisations within the borough like police, PCT etc, etc, the whole partnership kind of thing, were as the mayor you have to engage with them because all of them are looking to him as a lead." – senior officer

"So I would say that my role is largely influencing, lobbying, persuading, networking, bringing people together, seeing possibilities, banging heads on occasion." – mayor

We interviewed the Mayor of Lewisham, Steve Bullock, just after the period of heavy snowfall last winter. Mayor Bullock told us how the time he had invested in building relationships with e.g. the Borough Police Commander, the chair of the Primary Care Trust etc allowed him to act as a coordinating hub between the relevant public services that were operating during the cold snap. This helped the Community Services department at the council talk to the hospital to find out where people were slipping on the ice and talk to the Meals on Wheels service to find out where the concentrations of older residents were so that they could concentrate their efforts for clearing ice and gritting roads. In Bullock's words "the more time I put into those connections the better I can see things working."

A 2007 report which evaluated the *New Council Constitutions* also found that the mayoral model provides a clearer structure for the exercise of community leadership and partnership working.¹⁸

There is also international evidence which suggests mayors can have an impact far beyond their formal powers. James H Svara's classic work on the "facilitative" mayoral style of governance in US cities shows how even mayors with few formal powers can bring about significant change. Svara argues that there are a range of functions filled by the mayor, "organizational control is one, but political leadership for the community is another. Identifying problems, forging consensus around goals, and promoting actions by governmental officials, and citizens extend far beyond the exercise of formal power within government. Indeed, mayors... can be effective facilitative leaders in their communities without formal powers."¹⁹ It seems therefore that the visibility and legitimacy afforded by direct election allows English mayors and their international colleagues to coordinate local groups and act as a hub for organisation.

The ways in which mayors enact their coordinating role can vary. The mayor may introduce informal, issue specific groups, or utilise more formal local partnerships. At the end of 2010, 10 of the 12 local authority mayors in office chaired their Local Strategic Partnership (LSP). LSPs are non-

¹⁸ ELG Research Team Gerry Stoker, Francesca Gains, Stephen Greasley, Peter John and Nirmala Rao (2007) 'The New Council Constitutions: the Outcomes and Impact of the Local Government Act 2000', (Department for Communities and Local Government: London) p.11

¹⁹ James Svara (1994) 'Facilitative leadership in local government: Lessons from successful mayors and chairpersons' (Jossey-Bass Publishers: San Francisco)

statutory bodies that bring together the main local public service providers, business and the voluntary and community sector to consider and address issues affecting the well-being of local communities. Many of the mayors we spoke to commented on how this was a useful forum through which to exercise their coordinating role.

Mayors and asking power

Mayors high profile and large, direct electoral mandate gives them significant asking power. Graham Richards, the ex-mayor of Fort Wayne, Indiana, argues that mayors consistently underuse this power. "If you've got a problem call up five or six CEOs and ask: "Would you give me a person for a half day a week for the next six weeks, to help understand the nature of a problem and make suggestions for improving it?" If you clearly state what you need, show you understand what you're trying to accomplish, and what is the end point, I've never been refused."²⁰

One of the mayors that we interviewed echoed this experience when they told us about a situation in which the local police were planning to start using horses on the high-street to police football matches. Despite the fact that the mayor has no formal power over policing the mayor was able to meet with the officer in charge and voice concerns about this approach. As a result the police decided to trial police horses rather than moving straight to full roll out. The idea was later dropped as the police found using a horse actually exacerbated the problems.

Further, it is not just the individual mayor who has asking power. The mayor's office also benefits:

"My office will tell you that they can pick up the phone to probably any organisation in the borough and if they say 'oh this is Joe Blogs from [X] council' then they'll say 'yeah, alright, alright'. But if they ring up and say 'This is the Mayor's Office' then the person on the other end will say 'Oh, right' and we get responses. But I don't recall that happening when I was council leader." – mayor

Recommendations and lessons learnt

The key lesson from current mayoral authorities is that mayors can act beyond their formally defined powers (over policing, for example) by developing strong relationships with other local public service providers, the business community and civil society organisations. In order to make the most of mayoral government they should fully exploit the soft powers which their broad electoral base and greater visibility provides. These powers include the ability to act as leader of the place, convene, coordinate and ask. Some of the existing mayors, especially those who had previously been council leader, found they were slow in identifying and adapting to fully exploit this potential. New mayors should seek to fully exploit their soft power from the start of their term in office.

²⁰ Quoted on <http://leanreflect.blogspot.com/2007/04/theres-two-way-street-in-fort-wayne.html>

3. Non-executive councillors and their wards

This chapter looks at the experiences of non-executive (or back bench) councillors in mayoral authorities and how they have adapted from the committee system. Chapter 4 deals with the specific problems that have occurred with overview and scrutiny in the current mayoral authorities and highlight some potential solutions.

Our research found that a number of non-executive councillors in mayoral authorities have become frustrated and demotivated and, as a result, are not achieving anything like their full potential in engaging with the public and representing constituents within the council. We identify three causes of councillor disengagement:

- Loss of direct decision making power
- Perceived reduced access to information
- Confusion over roles.

We argue that councillors can and should play an active role in local democratic life within mayoral authorities. As the mayor is not dependent on councillors for their political survival, mayors can be more confident in devolving power to councillors. This opens up a range of options for councillors including taking on new roles as ward champions or taking a position in mini-cabinets. Councillor involvement is most valuable when their role is clearly defined, they are given real powers and financial resources and when their work with the public feeds into, and is used by, the Overview and Scrutiny committee.

We echo the recommendations of the Councillor Commission that councillors should have clearly defined roles.²¹ To further strengthen the relationship between non-executive councillors and the executive, we recommend that mayoral authorities should designate an officer responsible for keeping councillors supplied with the appropriate information.

Loss of direct decision making power

There is a feeling of a loss of power and, perhaps more importantly, a loss of identity among some non-executive councillors that have gone through the transition from the pre-2000 committee system to the mayoral model. One councillor we interviewed suggested:

²¹ Councillors Commission (2007), 'Representing the Future', p.30, available at: <http://www.communities.gov.uk/documents/localgovernment/pdf/583990.pdf>

“With the committee system every councillor felt as though they were making a contribution and were involved in the decision making process... at least they knew what was happening. Now, you don’t know what’s happening at all because the cabinet makes a decision and you just react to those decisions that have already been made... you’re just reacting.” – councillor

Campbell’s study of the mayoral authorities identified similar sentiments.²² In some cases the sense of frustration and anger was still vivid several years after moving to the mayoral model. In the extreme case of Doncaster some councillors were found to still be actively hostile to the mayoral model six or seven years after its introduction.²³ Their behaviour was described in an IDeA report as “venomous, vicious and vindictive”,²⁴ and was pointed to as one of the causes of the dysfunction.

Concerns about the role of the non-executive councillors are not confined to mayoral authorities. In their 2007 report *The New Council Constitutions* the ELG research team reported that non-executive councillors across all types of authority were the least likely to be favourable in their overall view of the 2000 Act reforms. Their survey data also shows that there is little agreement with the statement that “back benchers (non executive councillors) are more engaged” under the new arrangements (with 12% of councillors, 9% of officers and 12% of stakeholders agreeing). Further, the report quotes one chief executive who had worked in three authorities under the new arrangements as saying that the role of non-executive councillors had been an “issue” in all of them.²⁵

We were told on several occasions that this problem seemed to be more serious amongst councillors who had experience of the old system. This cohort effect may also explain the rising number of councillors who feel they have as much or more influence than they expected before running for election in other surveys.²⁶

Access to information

The change to mayoral governance from the pre-2000 set up has meant changes in the way councillors acquire information. Despite efforts in some mayoral authorities to involve non-executive, accessing information was cited by a number of councillors as one of the main barriers to their effective engagement in the mayoral model. The more experienced councillors we interviewed commented that they no longer got the constant flow of information that they were exposed to sitting on a committee in the pre-2000 council set up. The mayoral system can place greater responsibility on councillors themselves to access information, by attending cabinet meetings,

²² D. Campbell, ‘What was the political difference made by the introduction of executive mayors in England’. Thesis submitted for PhD. (Inlogov: University of Birmingham) p.256-257

²³ Audit Commission (2010), Corporate Governance Inspection Doncaster Metropolitan Borough Council

²⁴ Audit Commission (2010), Corporate Governance Inspection Doncaster Metropolitan Borough Council, paragraph 34.

²⁵ ELG Research Team Gerry Stoker, Francesca Gains, Stephen Greasley, Peter John and Nirmala Rao (2007) ‘The New Council Constitutions: the Outcomes and Impact of the Local Government Act 2000’, (Department for Communities and Local Government: London) p.50

²⁹ National Foundation for Educational Research (2009). National Census of Local Authority Councillors 2008. Slough: NFER. p13

keeping on top of email exchanges, or by making personal requests for data. One councillor we interviewed suggested:

“When you go to the electorate and people in the street go to you as a local councillor, and say so and so has happened, and you don’t know anything about it, then they say: what good are you being a councillor?” – councillor

When we asked “Are those cabinet meetings held in public?” their response was:

“The cabinet meetings are held in public and the press are usually there but not all the councillors go to the cabinet meetings so they will often get that information from the electorate or the local press.” – councillor

Another common complaint was that there was information available but not in an easily digestible format:

“There are two things that can happen in local government when you ask for information. One, you get nothing at all or, two, you get bombarded with information.” – councillor

This comment was echoed by a senior officer who noted the distinction between transparency and disclosure. Transparency is simply allowing people to look at everything and telling them to make of it what they can. In contrast, disclosure involves releasing the relevant bits of information in a digestible format to the right audiences. Disclosure is more like what is required to keep councillors informed.

Improving access to information is clearly important in securing non-executive councillor engagement. Mayoral governance can place a greater burden on individual councillors to access the information they need to stay engaged. To help councils, we suggest that councillors have the support of an officer who is tasked with ensuring that councillors are supplied with an appropriate and concise digest of information. However, while officers should support politician’s access to information, ultimately, it is the responsibility of non-executive to ensure they have the information they need to hold the executive to account.

Confusion about roles

In addition to a lack of information, in some authorities councillors are disengaged because of continuing confusion about their constitutional role. In one authority the old (non-executive) civic mayor who had, by virtue of the new arrangements, become the civic chairman, continued to refer to herself as the mayor. This does not help with public clarity about the new governance arrangements.

In another authority an interviewee made the following comment:

"Despite five years of mayoral governance some councillors still don't understand what it means to be in a mayoral model... recently when we were looking at the Local Enterprise Partnership, the new [majority group] leader thought he should have a seat on the Partnership since he was leader of the council but he's not leader of the council, the Mayor is the first citizen of the council."

We were told that this confusion extended to members of the public:

"People genuinely still think that they are electing us to make decisions on their behalf, not to scrutinise the decisions of others." – councillor

It is crucial that changes that arise out of a switch to the mayoral model are carefully explained and understood by all councillors. We have heard a disconcerting number of stories about the potential for such seemingly small issues to accelerate into bitter spats which become major distractions from achieving good governance. We support the recommendation of the 2007 Councillors Commission that councillors should all be signed up to a clearly laid out job description.²⁷

Decentralisation in mayoral authorities

Councillors in mayoral authorities can and should play an active part in local politics. The mayor of Newham, Sir Robin Wales, was of the opinion that only as a directly elected mayor did he have the requisite institutional independence from his councillors to be able to confidently devolve power to them:

"As leader I couldn't have done that; it becomes difficult to share out power too much when it is tough to recover from mistakes. As a Mayor I can share power...and if people make mistakes I can call it back much easier... In a leader model once you give up power it's very hard to get the genie back in the bottle."

This is a fascinating and perhaps counter intuitive analysis of the mayoral system. Many people are wary of the mayoral model on the grounds that it puts too much power in the hands of one person. Sir Robin Wales, who served as a council leader for 7 years before becoming mayor in 2002, believes that, in one respect at least, the mayoral system actually allows for more *decentralised* decision making.

²⁷ Councillors Commission (2007), Representing the Future, p30, available at: <http://www.communities.gov.uk/documents/localgovernment/pdf/583990.pdf>

Many of the mayoral authorities have developed ways of engaging non-executive councillors in the business of the council, beyond involvement in overview and scrutiny, in order to make the most of their skills. The options explored include:

- Appointed positions on local bodies (e.g. housing associations)
- Formal roles in area based arrangements (e.g. ward forums)
- Involvement in mini-cabinets.

Possible roles for councillors: area based arrangements

Six out of ten mayoral authority respondents to the ELG research survey reported having area based arrangements in place²⁸. By area based arrangements we mean institutions involving councillors which cover an area smaller than the authority as a whole, such as a forum covering three neighbouring wards. Some of these schemes have been more successful than others. The councillors and the mayor we interviewed in Torbay made positive comments about the ward based Community Partnerships they had developed. The Community Partnerships are made up of citizens from the ward and have a councillor sitting on them – though often not chairing them. One such partnership has recently successfully secured grant funding for a new children's play park on the seafront. The councillors are intended to be there in a support role, their job being to inform the partnership members about which routes they might pursue in order to get things done, who it might be useful to speak to and so on.

In North Tyneside there are four regional Area Forums which hold quarterly meetings and special hearings on one-off events. Councillors sit on these forums and use them to take the temperature of the electorate on issues such as proposed development. According to those we interviewed the forums are generally well attended. Crucially, the Overview and Scrutiny committee actively use the Area Forums as an input into the scrutiny process when holding the executive to account.

In Newham there are 9 community forums, with community councillors in each one, tasked with leading activity locally. In the past the mayor has given them £12m for infrastructure work. Highways and parks are all planned by local councillors with authority money. A process giving councillors the opportunity to place CCTV where they want in each ward has begun. This year the mayor is looking to see increasing member involvement in Newham's leisure and cultural activity at forum level. In the future they envisage groups of community councillors having a much greater say in the council's policing, crime and anti-social behaviour response. There are also plans to get councillors more embedded in schools and other community hubs to get them "working with local people to help local people start doing things".²⁹

In some authorities however, the area based institutions have seen dwindling attendance and have been shut down as a result. Generally, interviewees were of the opinion that these failed area

²⁸ELG Research Team Gerry Stoker, Francesca Gains, Stephen Greasley, Peter John and Nirmala Rao (2007) 'The New Council Constitutions: the Outcomes and Impact of the Local Government Act 2000', (Department for Communities and Local Government: London) p45

²⁹ Private Interview

committees had become mere “talking shops.” One mayor suggested that in order to avoid this area based arrangements need to go beyond traditional committees and political methods of association to be successful in engaging the community:

“We have active community teams and what we say is, instead of having meetings, which suit a few people, do activities, do action, ... I think the idea that politicians have that you bring people together in ways that suit politicians is stupid so I don’t want public meetings... If you’re really going to have a community, communities don’t meet in public meetings.”

Mayoral authorities can go beyond traditional engagement exercises and make the most of area based arrangements in a number of ways. They can really make a difference when powers or resources are devolved down to councillors, as the highly decentralised approach currently being developed in Newham demonstrates. The other organs of local government (the Overview and Scrutiny committee, the mayor and the cabinet etc) should actively use these area based institutions both to communicate to citizens and to garner information from them to inform the scrutiny process. This is a good example of the way in which the network of institutions which make up mayoral local authorities in the UK need to pro-actively seek to work together to achieve their full potential. Ultimately what is required from councillors is a cultural change from a “committee outlook” to a “community outlook.”

Here, as elsewhere, the mayoral system works best when its different elements see each other as resources, interacting in a productive way that reinforces the health of the system as a whole.

Possible roles for councillors: mini cabinets

Another strategy to give more non-executive councillors greater involvement in the council’s work is to allow cabinet members to choose “mini-cabinets” or “sounding boards” to advise them. Such a system helps with succession planning for the cabinet as it allows non-executive councillors to get on top of a brief prior to becoming a cabinet member and allows a constructive arena for non-executive to establish a reputation as, in the words of one councillor, “Mr Environmental Services”, for example.

However, the councillors we spoke to in local authorities who had tried such a system suggested they suffered from ‘talking-shop-syndrome’ and had been abandoned. In addition, the establishment of mini-cabinets, which can lengthen the decision-making process could detract from some of the key benefits of the mayoral model of faster and clearer decision-making.

The number of councillors

There is some question as to whether the number of councillors should remain unchanged after a switch to mayoral governance. The concentration of powers within the executive and the different roles that councillors play under the new mayoral model means that the number of councillors, determined so long ago under the old model, may no longer be optimal or offer value for money.

Yet little consideration has been given to the optimal number of councillors. The Local Government Boundary Commission guidelines on boundary reviews states that: "The current number of councillors in each authority is mainly a result of historical trends which, in most areas, have evolved very little since local government reorganisation in 1974."³⁰ When we contacted the mayoral authorities in 2010 four had already reduced, or were in the process of reducing, the council size. The Institute for Government have suggested elsewhere that the appropriate number of councillors in mayoral authorities should be reviewed.³¹

Recommendations and lessons learnt

In summary, we found evidence of non-executive councillors still being confused about their role in mayoral government. To minimise this problem in the future we recommend:

- Mayors should devolve power and responsibility, for anti-social behaviour for example, to councillors at a ward level. These institutions should be given sufficient power to ensure that they can deliver real change and do not just become talking shops
- All mayoral authorities should have a designated officer responsible for keeping councillors supplied with the information that they need in an easily digestible format
- Councils should ensure that all councillors have clearly defined roles and job descriptions

³⁰ Local Government Boundary Commission for England, 'Electoral Reviews: Technical Guidance', p.10, available at: http://www.lgbce.org.uk/_documents/lgbce-documents/guidance/electoral-review-technical-guidance-v4-2010-03-30.pdf

³¹ Adonis and Sims, 'Mayors and the Localism Bill', Institute for Government (2011)

4. Scrutiny and the executive

Detailed, constructive scrutiny is essential for good government. There is widespread recognition however, that across local government, scrutiny could be greatly improved.³² Our interviews made it clear that mayoral authorities were no exception. In some local authorities a lack of interest in scrutiny has led to worse scrutiny, which in turn fuels a further lack of interest in scrutiny. Scrutiny can be improved if it can be demonstrated to disaffected councillors that there is a link between scrutiny and improved outcomes. This should improve councillor's commitment to the scrutiny process and further demonstrate the power of good scrutiny. We provide some techniques for helping to establish this virtuous cycle. We recommend leaner, task and finish overview and scrutiny as one of the ways to move towards refocusing the scrutiny process on improving outcomes. The recommendations in this chapter apply to both mayoral and council leader style local authorities; though the additional concentration of power makes strong scrutiny even more important in the mayoral model.

Scrutiny in mayoral authorities

The 2000 Local Government Act introduced the requirement that at least one Overview and Scrutiny committee should be established and that this committee should be staffed exclusively with non-executive councillors. The Centre for Public Scrutiny says good scrutiny should:

- Reflect the voice and concerns of the public and its communities
- Provide a “critical friend” challenge to decision-makers as well as external authorities and agencies
- Take the lead and own the scrutiny process on behalf of the public
- Make an impact on the delivery of public services.³³

Detailed constructive scrutiny is essential for good government. Done well, it can increase the knowledge which is drawn upon in the policy making process and add valuable different perspectives, help expose potential pitfalls in a policy and expose badly thought out policy thus saving government money. If scrutiny is carried out in a constructive and mature way then it will also be in the interest of the executive.

³² Communities and Local Government (2000) 'New council constitutions: guidance to English Authorities' (Communities and Local Government: London) See section on scrutiny.

³³ Good Scrutiny Guide (2007), Centre for Public Scrutiny, available from: <http://www.cfps.org.uk/what-we-do/publications/cfps-general/?id=60>

It was however, clear from our interviews that some councillors have yet to take on the role of active scrutineers. Our interviews revealed a range of reasons. For some councillors, the scrutiny process was 'boring':

"When somebody mentions scrutiny, call-in and performance, or something like that, you think 'god that sounds boring.'" - overview and scrutiny councillor

Others suggested that overview and scrutiny was being used as a mouthpiece by the opposition to achieve politically motivated point scoring and as an outlet for "making press releases." One Mayor commented:

"My view has always been, you know, up and down country, generally, opposition see that as the place that they can oppose things, unfortunately it's used rather mischievously."
- mayor

The failure of overview and scrutiny to make an impact is particularly disappointing when viewed alongside the many comments we heard supporting its potential to do so. One Chief Executive noted that "One person could run us ragged if they knew the right questions to ask."

Many of the mayors we spoke to claimed that they wanted to hear any ideas that scrutiny had about improving the way the council delivers services.

Councillors were consistent in the reasons they gave for not being interested in scrutiny. The most common reason given for not being actively involved in scrutiny was the perception that scrutiny was inconsequential and had very little impact on actual outcomes. One non-executive councillor compared his scrutiny work to his role on the audit committee:

"At least [on the audit committee] you're getting something done there, and you can get the accounts signed off, and you can feel quite pleased you've done a decent job. As opposed to scrutiny [where] you don't feel you've achieved anything."

The councillor who made this comment walked out in disgust from the first Overview and Scrutiny committee he attended. One chief executive offered the following explanation for councillors lack of interest in scrutiny:

"They came into politics to make decisions, not to ask questions."

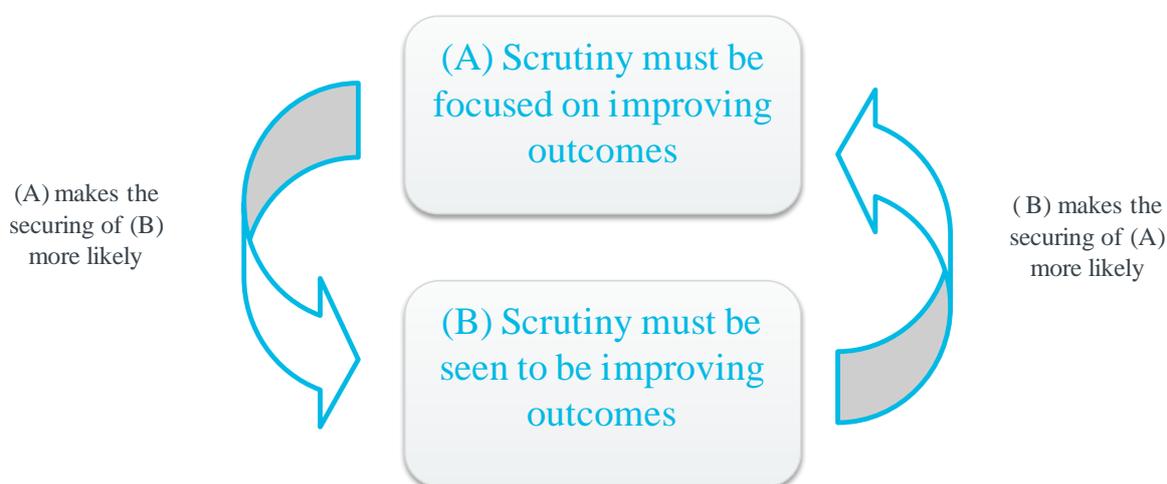
Ensuring scrutiny makes a difference

In order to ensure that scrutiny in mayoral systems back on track, the process should both:

(A) Be focused on improving outcomes

(B) Be seen to be improving outcomes

Figure 3: Getting scrutiny back on track



Source: Institute for Government

As illustrated in Figure 3, the focus on improving outcomes (A) is essential for effective scrutiny because it is necessary for consistently improving outcomes of government action (B). Improving outcomes (B) is crucial in keeping councillors focused on achieving A, rather than using scrutiny for unproductive purposes such as political point scoring. It is important to note that while scrutiny should be focused on improving outcomes, the actual day to day process of scrutiny will inevitably be focused on inputs and due diligence. What we wish to emphasise by using this term is that the *ultimate aim* of good scrutiny is always on improving outcomes for residents.

How to get there

We identified a number of ways in which scrutiny can be refocused on improving outcomes. First, councillor buy-in is of paramount importance to get scrutiny working. For this reason it is crucial that mayoral authorities get their scrutiny councillors to (re)design the process themselves. High profile scrutiny reviews can help create an important psychological break with the past and get

councillors to take greater ownership of the scrutiny process. Additionally, training in chairing and cross-examination may help professionalise the scrutiny role and increase ownership.

A second key strategy is ensuring that councillors regularly see the results of the specific work they have been doing. Tower Hamlets have adopted the practice of taking all new councillors out to projects in the borough that have been changed for the better by the work of the Overview and Scrutiny committee. They believe that it brings “real life experience to the scrutiny process to drive service improvement”.³⁴ Councillors from the Overview and Scrutiny committee have also, for example, interviewed single mothers to find out about the barriers to them increasing their earnings as part of a scrutiny review of child poverty in the borough. The officers believe such work to be psychologically very powerful in helping to reinforce a focus on outcomes through the scrutiny process.

A third important mechanism is scrutiny review. We were frequently told about scrutiny reports being released and then “getting buried” or “disappearing.” To minimise this, scrutiny commissions should reconvene at sensible intervals after they release a report to question the appropriate executive member about the adoption of their recommendations. If recommendations are routinely not being adopted it is essential that this be taken into consideration by the scrutiny committee. If they are then it will help to highlight the worth of well executed scrutiny. In many of the mayoral authorities we have looked at there is not enough scrutiny review.

Fourth, scrutiny can be effective if it provides a valuable resource for the executive. Indeed, there is no reason why mayors should not look to Overview and Scrutiny committees as a tool which they can draw on to carry out policy reviews, investigate issues and generally help solve problems. The Constitution Unit has praised the London Assembly for some of the scrutiny work they have done saying that they work like an “elected think tank”.³⁵ The report specifically sights the Assembly’s work on late night bus travel as one example of this valuable work. There is demand for similar arrangements in local authorities, with some councillors we interviewed suggesting that there needed to be more emphasis on the constructive side of ‘overview’ as opposed to just the more negative ‘scrutiny’ function.

Several mayors also told us about the value of submitting work to scrutiny panels for pre-legislative scrutiny, along the lines of an internal consultation exercise. The potential benefits of this are:

- Improving the quality of legislation and policy
- Helping to secure consensus around a policy and thus avoids unproductive political spats
- Creating and maintaining scrutiny focused on improving outcomes by ensuring the work of scrutineers feeds into policy making rather than merely “reacting”

³⁴ Private Interview

³⁵ Scott Greer and Mark Sandford, ‘Fixing London’, Constitution Unit (2003), available at <http://www.ucl.ac.uk/spp/publications/unit-publications/99.pdf>

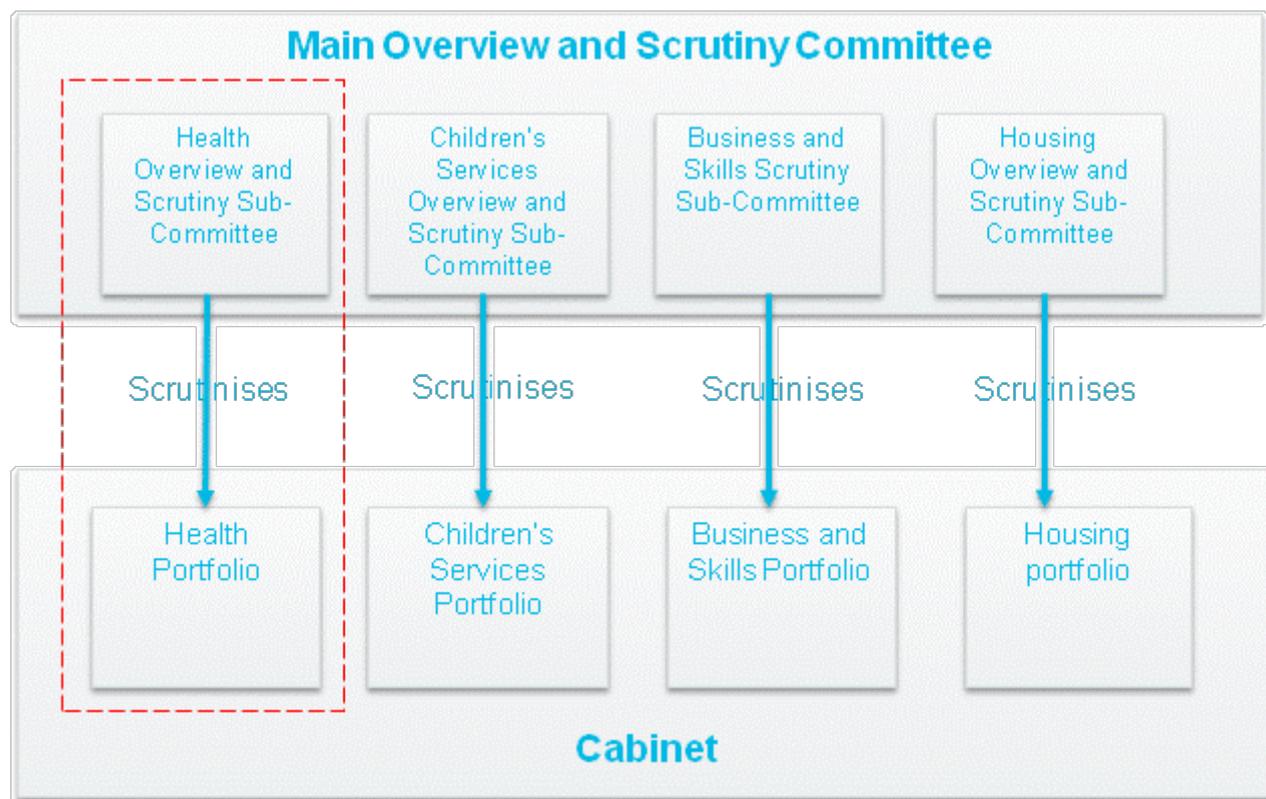
- Helping recast scrutiny as a cooperative venture rather than an after the fact criticism of a policy which the executive has already publicly aligned themselves with.

Good scrutiny, focused on improving outcomes, is an empowering force for councillors, giving them the ability to improve the lives of their constituents. It can be achieved by encouraging councillors to see the results of their work in the community, ensuring recommendations are followed up, and using the overview process to actively contribute to policy debate. Any redesign of overview and scrutiny should be owned by the councillors themselves.

The organisation of overview and scrutiny

Many of the authorities we spoke to had begun with an overview and scrutiny system that used permanent, policy based sub-committees to mirror the portfolio areas within the cabinet. This structure is illustrated in Figure 4 which is reminiscent of the pre-2000 Act committee system councils.

Figure 4 Scrutiny mirroring cabinet portfolios



Source: Institute for Government

The Constitution Unit have also noted how councillors still run scrutiny committees as if they were operating in an old style committee structure council.³⁶ Indeed, Stoke-on-Trent started out with 13 scrutiny committees!³⁷ Our interviews revealed an emerging consensus among the existing mayoral authorities that such a structure is flawed. Three main reasons were given for this:

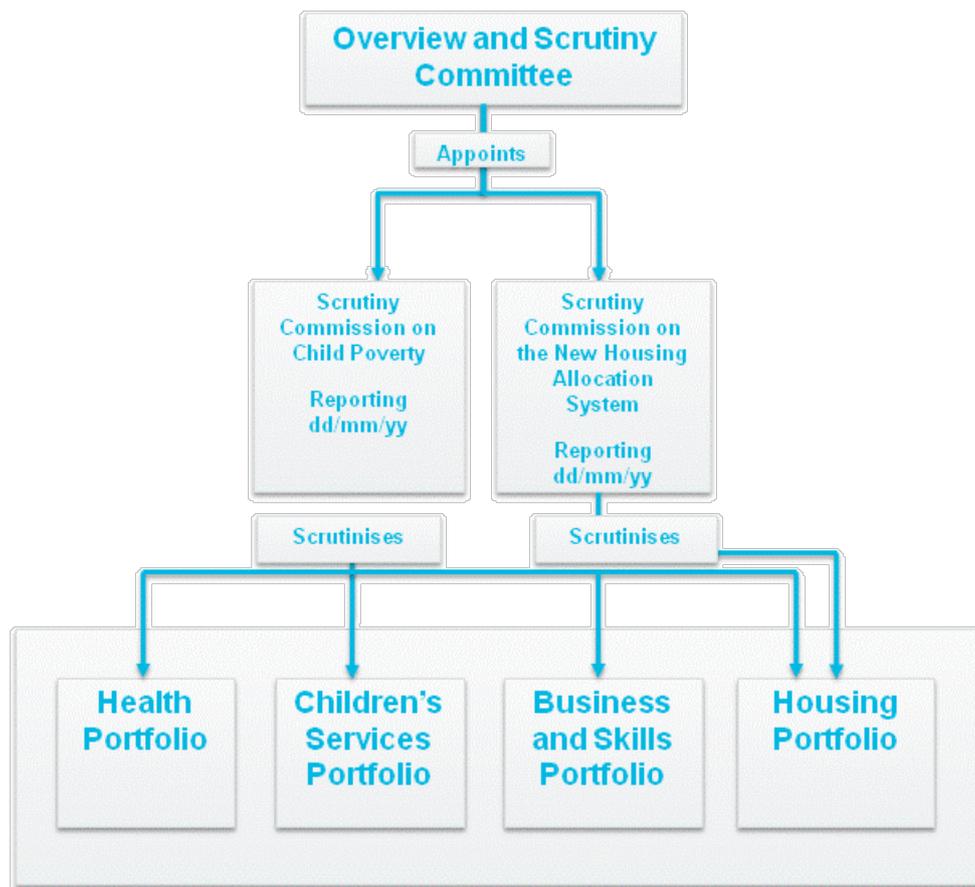
- Lack of suitable material to scrutinise meant meetings took place for the sake of it, leading to councillors becoming disengaged
- The security of position on scrutiny committees was seen by some to permit poor attendance
- The permanent tensions between portfolio holders in the cabinet and the head of the scrutiny sub-committee allows what one chief executive referred to as “little fiefdoms” [represented in Figure 3 by the dashed red box] within which relationships have the potential to turn sour and unproductive.

For a mix of these reasons, and in some authorities at the request of councillors themselves, they have moved to a leaner system with a single Overview and Scrutiny committee which then appoints “scrutiny commissions” which are focused on a particular issue. As illustrated in Figure 5, these systems look more like this:

³⁶ Sandford, Mark, 'Effective Scrutiny: tools and intended outcomes', Constitutions Unit 2005 (paragraph 17), available at: <http://www.ucl.ac.uk/spp/publications/unit-publications/120.pdf>

³⁷ Stoke-on-Trent Governance Commission (2008) Report to John Healey, Minister for Local Government and to Stoke-on-Trent City Council, available at: http://www2002.stoke.gov.uk/transition_board/Governance%20Commission%20Report.pdf

Figure 5: Task and finish scrutiny



Source: Institute for Government

Scrutiny Commissions tend to be topical and councillors self-select or apply for posts when a commission is established. As a result, ownership of the task is increased and the likelihood of councillors finding themselves doing work in which they are not interested is reduced. Being timely and relevant should allow the scrutiny process to have a greater impact and thus go some way towards refocusing scrutiny on improving outcomes.

Improving the quality of officer support

Officer support affects the quality of overview and scrutiny in local government. The Centre for Public Scrutiny uses a three part typology of scrutiny support to categorize local authorities' approaches:³⁸

- Committee model – committee officers, who also support other political forums in the council
- Integrated model – ad hoc support provided from various departments within the secretariat
- Specialist model – support provided by dedicated officers within a dedicated unit.

A two year research project carried out by Warwick Business School on the role of the professional scrutiny officer concluded "It was clear from our findings that where officer support is dedicated wholly to supporting public scrutiny the participants felt more able to develop expertise in the role, foster good relationships with lay scrutineers and importantly, relieve pressure on the officers themselves.³⁹" The Centre for Public Scrutiny also emphasise that scrutiny is more effective, as measured by the proxy of the proportion of recommendations that are made which are accepted and implemented by the executive, in authorities with dedicated scrutiny officers. Based on this evidence we recommend that mayoral authorities all appoint dedicated scrutiny support officers.

Additionally, we recommend that the appointments committee should be given responsibility for appointing an officer to head up support for the Overview and Scrutiny committees. This would give the councillors greater influence over the quality of support they receive and emphasise the importance of the scrutiny function in separate-executive local government. Dacombe also recommends scrutiny support officers are given some degree of independence from the executive.⁴⁰ Some of our interviewees talked about the need for scrutiny support officers to tread a fine line:

"The trouble is that you need staff with a bit of independence from the rest of the organisation, but if you're not careful they just become too independent and can be seen by the rest of the organisation almost as the enemy. So it can be quite tricky to get the right kind of people... who have got credibility within the organisation, and for whom it is seen as legitimate to be trying to expose weaknesses, helping councillors to expose weaknesses, it's a tricky balance." – scrutiny officer

³⁸ See the Centre For Public Scrutiny Annual Surveys of Overview and Scrutiny: <http://www.cfps.org.uk/what-we-do/publications/cfps-general/?id=162>

³⁹ Dacombe, 'Supporting Public Scrutiny: understanding and developing the role of the professional scrutiny officer', Warwick Business School Institute of Governance and Public Management.

⁴⁰ Ibid

Having an Overview and Scrutiny officer who is appointed by the appointments committee may help them with the legitimacy side of this equation. In particular, the mayor will likely have been on the committee and, as a result, will have given their consent to the officer being tasked with helping “expose weaknesses.”

Recommendations and lessons learnt

Mayoral governance strengthens the executive position of the mayor and their cabinet. Overview and scrutiny is thus an essential check and balance for mayoral governance. We recommend a number of ways in which overview and scrutiny could be improved:

- Local Authorities should aim for the virtuous cycle depicted in Figure 3. Councils should consider a leaner, task and finish overview and scrutiny system as a way of refocusing scrutiny on improving outcomes
- To achieve the requisite buy-in and create an important psychological break with the past, scrutiny councillors should themselves redesign the scrutiny process
- Mayoral local authorities should have dedicated overview and scrutiny support officers and these officers should be appointed by the appointments committee of the whole council
- Proper scrutiny review processes should be established to follow up recommendations.

5. The mayor and their cabinet

The relationship between the mayor and their cabinet is critical. The cabinet is the main institutional bridge between the mayor and the rest of the council. The mayor has a good deal of discretion in determining the size, power and division of responsibilities within the cabinet. The approach they take to appointing cabinet members is important as it can convey a signal about how they intend to work with the council at large.

Our research identified three approaches that have been taken by mayors in how they use their cabinet. We call these:

- The consensus approach
- The sounding board approach
- The delegated powers approach.

All three approaches can work. It is worth noting however that, if councillors are feeling alienated by their loss of power under the mayoral model, delegation can indicate the mayor is serious about working with the council.

Appointing the cabinet

One of the first decisions that a new mayor will have to make is who to appoint to the cabinet and which powers (if any) to devolve to cabinet members. Section 11 of the Local Government Act 2000 requires that a mayor's executive comprise of the elected mayor and a cabinet of at least two councillors appointed by the elected mayor.⁴¹ The Localism Bill does not seek to alter this.

The power to appoint the cabinet is vested in the mayor.⁴² Some of the existing and past mayors have invited applications of interest; others have just invited councillors to take on the role. In some authorities party groups have tried to nominate a list of their members from which the mayor can select individuals to sit on their cabinet. However, this practice has occasionally backfired on the party group because councillors not on the approved list have left their party group in order to serve on the cabinet.

Some mayors have experienced difficulty in identifying councillors willing to serve in their cabinet. The problem is more likely to occur in authorities where the mayor is independent or the mayor's relationship with his own party group has soured. In other instances the parties represented on the council have just refused to work with the mayor. It is not entirely clear what would happen if the

⁴¹ Local Government Act 2000, Part 2 11 (2)

⁴² Local Government Act 2000, Part 2 11 (2)

mayor was unable to find the minimum two councillors willing to join his cabinet.⁴³ The Secretary of State does have the ability to introduce alternative executive arrangements, though it is unclear what alternative arrangements might be considered.⁴⁴

Cabinet decision making

The Local Government Act does not specify the relationship between the mayor and the members of the cabinet. It states that decisions implementing the council's policy framework and budget can be taken collectively by the executive or delegated to individual members of the executive, officers, committees of the executive or to devolved structures.⁴⁵

We identified three types of approach to cabinet decision making among the mayoral authorities in our sample:

- Cabinet consensus approach: decisions discussed at cabinet meetings, with the majority view determining the final result
- Sounding board approach: the mayor takes account of the views of the cabinet but takes the final decision. In this approach achieving consensus, however desirable, is not seen as an end in itself
- Delegated powers approach: cabinet members have the power to determine decisions.

As presented here the three approaches are somewhat stylised and more clear-cut than in reality. New mayors will need to consider which of the approaches to adopt for their mayoralty taking into account their preferred style and the local context.

The perceived benefits of the mayoral model include clear, visible, accountable leadership. The sounding board approach allows decision making to be kept in the mayor's hands, and thus the accountability relationship with the electorate to remain clear. However, the accountability of the mayor is not necessarily undermined by delegating powers to the cabinet. The Mayor of London remains highly accountable despite the fact that the London Model is characterised by the mayor appointing people to run the functional bodies on his behalf. The mayors we spoke to were of the opinion that the public hold them accountable for anything and everything, irrespective of how much they had delegated. As such, it appears that the strength and clarity of the accountability relationship between the mayor and voting public is likely to survive delegation of decision making to cabinet members.

In addition, the delegated powers approach gives the mayor a means to attract members to their cabinet. It is worth noting that in the authorities where a delegated approach has been adopted, the rest of cabinet is often still used as a sounding/advisory board by the portfolio holder. The mayor, through his power of patronage, also retains significant influence. Mayors should not be afraid to

⁴³ Local Government Act 2000, Part 2 11 (8)

⁴⁴ Local Government Act 2000, Part 2 11 (5)

⁴⁵ Local Government Act 2000, Part 2 14 (2) (b)

delegate since recentralising power is less politically risky than it would be for a council leader, given they do not owe their position to election by councillors. Delegating power can be an effective way of increasing councillor engagement.

One senior officer noted how difficult it is to sustain the cabinet consensus approach. Building a consensus requires concerted effort and considerable political skill, without this the consensus approach will quickly lapse into the sounding board approach. In both instances, it is ultimately the view of the mayor that prevails. A study by Campbell suggests that authorities with a history of “hung” councils may be better equipped with the requisite skills to operate, what we have called here the cabinet consensus approach.⁴⁶

Recommendations and lessons learnt

The experience of the existing mayoral authorities suggests that all of the three approaches - cabinet consensus approach, sounding board approach and delegated powers approach - can work. However, it is worth noting that delegation can set the tone that the mayor is serious about working with the council and that doing so may be of particular help to minority and independent mayors. It appears that the strength of accountability that the mayoral model provides will survive delegation of decision making power to cabinet members, should the mayor wish to do so. Mayors should not be afraid to delegate since recentralising power is less politically risky than it would be for a council leader.

⁴⁶ D. Campbell, 'What was the political difference made by the introduction of executive mayors in England'. Thesis submitted for PhD. (Inlogov: University of Birmingham), available at: http://etheses.bham.ac.uk/966/2/Campbell_D_10_PhD.pdf

6. Officers and the council

Our research showed that, overall, the switch to the elected mayoral model appears to have had little impact on the organisation of staff in the existing mayoral authorities. Nevertheless, mayors still need to invest in their relationship with officials. The most important relationship to get right for effective mayoral governance is that between the mayor and the chief executive. For this reason we recommend that the mayor is given a veto over the appointment committee's selection of the chief executive.

Officers were involved in the breakdown in governance in Doncaster when confusion about the new arrangements led to a *de-facto* division in the secretariat. In any switch to the mayoral model it is very important that the new governance arrangements are clearly explained to staff to avoid such problems. The monitoring officer should take a proactive stance during the transition, seeking out issues and addressing them before they become problems.

Appointment of the most senior officer

The relationship between the mayor and the most senior officer is crucial to the proper functioning of mayoral authorities.

"If that dynamic between the chief executive and the mayor works effectively it is 2+2=5."

– local authority chief executive

Many of the people we spoke to recognised the difficulties that could be caused if a chief executive was appointed with whom the mayor could not work. The following comment typifies the attitude of those we interviewed:

"Appointing a chief executive that a mayor could not work with is a recipe for disaster."

– mayor

This raises the issue of how much control an elected mayor should have over the appointment of the most senior officer. Under the current system appointment of senior staff is undertaken by an appointments committee and in many of the current mayoral authorities the mayor is on this committee. Many of the mayors we spoke to said that although they had no constitutionally guaranteed influence over the process, a competent mayor would be able to influence the committee to appoint the candidate they wanted. However, part of the failure story in Doncaster was the appointment of an interim chief executive that the mayor had already said he could not

work with.⁴⁷ Given the importance of the relationship between the mayor and the chief executive, we recommend that the mayor should be given a formal veto over the appointment committee's choice of the most senior officer.

Clarity of officer responsibility

Officers played a significant part in the extreme dysfunction in the mayoral authority of Doncaster. In this case, officers appeared to get confused about where executive authority lay and divided between those who served the mayor and those who served the council.⁴⁸ This politicised the bureaucracy. Officers came under significant pressure from elected politicians to amend professional advice and this behaviour was not properly investigated by the standards committee. Additionally, the monitoring officer in Doncaster failed to reign in councillors when they began writing their own detailed budget, an action which was way beyond their constitutional remit. Furthermore, the monitoring officer was advising the council on the legality of its process for appointing a chief executive even after it became clear that he was in the running for this position.

Not knowing where executive authority lies in a mayoral authority is a recipe for severe dysfunction. It can be avoided by informing all stakeholders of the implications of the new constitutional arrangements and disciplined enforcement of the new rules and procedures by monitoring officers. One highly experienced chief executive told us that monitoring officers need to take an "activist" stance during a switch of governing arrangements. By this they meant that the monitoring officer should not only be rigorous in informing politicians what is beyond their legal power but also be pro-active in advising what means *are available* to elected politicians in trying to achieve their aims. This approach has the advantage of reducing frustration and helping to channel energy into legitimate actions. Monitoring officers should also be activists in the sense that they attempt to identify risks and potential issues before they materialise, nipping them in the bud and preventing them developing into the big problems seen in Doncaster.

Recommendations and lessons learnt

The relationship between the mayor and the local authority officers is crucial to the proper functioning of the authority. In order to improve the relationship with officers we recommend:

- Mayors should be given a veto over the appointment of the chief executive
- Monitoring Officers should be pro-active and rigorous in their work during the transition phase. They should take an "activist" approach advising members on which avenues for action are available to them under the new arrangements.

⁴⁷ Audit Commission, 'Doncaster Corporate Governance Report', P 17-19 available at: <http://www.audit-commission.gov.uk/localgov/audit/inspection/reports/Pages/201004doncastermetropolitanboroughcouncilcorporategovernanceinspection.aspx>

⁴⁸ Audit Commission, 'Doncaster Corporate Governance Report', available at: <http://www.audit-commission.gov.uk/localgov/audit/inspection/reports/Pages/201004doncastermetropolitanboroughcouncilcorporategovernanceinspection.aspx>

7. Issues for independent and minority mayors

Prior to their election, some of the current independent mayors had little political experience or knowledge of local government processes. Officers should be ready to brief politically inexperienced mayors on the basics of local government structures and procedures and provide any training required in skills like chairing. Independent mayors, because they cannot rely on formal party structures to secure votes, are also more vulnerable to councils voting down their budget and other policy frameworks. Acrimonious relationships between independent and minority mayors and the rest of the council lay at the heart of recent governance problems in Doncaster and problems experienced by the first mayor of Stoke-on-Trent.

Independent mayors are more than capable of forming stable administrations, as the experience of Hartlepool and Middlesbrough has shown. In order to secure the necessary support amongst councillors it is particularly important for independent mayors to pro-actively engage councillors and the leader of the majority group and maintain a healthy dialogue, for example, by initiating pre-decision scrutiny. Ultimately, both parties - the mayor and councillors - are needed to make the model work. A 'mayoral forum' to allow mayors to share learning would be particularly useful for independent mayors who have little peer support.

Relationships between independent mayors and the council

Independent mayors cannot rely on their party group to deliver the more than one-third of votes they need to pass their budget. Independent mayors explained how, without being able to fall back on formal party structures of whipped votes and group meetings, they have compensated by concentrating more on informal routes of influence including engagement and persuasion.

We were frequently told by independent mayors that their "door was always open" to party-aligned councillors. However, such a passive approach to engagement may not be enough. The Audit Commission corporate governance inspection of Doncaster Metropolitan Borough Council also made the point that simply paying lip service to engagement "will not result in dialogue unless [the mayor's] behaviours, attitudes, and opinions also support a more collusive and open approach."⁴⁹

This sort of active engagement is especially important for independent mayors. Part of the reason for the mayor's door always being open should be that the mayor has gone through it in order to

⁴⁹ Audit Commission, 'Doncaster Corporate Governance Report', available at: <http://www.audit-commission.gov.uk/localgov/audit/inspection/reports/Pages/201004doncastermetropolitanboroughcouncilcorporategovernanceinspection.aspx>

meet with the councillors. The mayor's relationship with the leader of the majority group on the council is particularly important.

There are a range of more formal options available to independent mayors to build relationships with the council. As we highlighted in Chapter 5, independent mayors can operate a delegated cabinet to attract support. Further, some independent mayors have found that using pre-decision scrutiny to engage the wider council in budget processes and secure buy in can help avoid the council voting against their proposals.

"By opening up the budget process to scrutiny back in June of the previous year, they fully understand the reasons for introducing the twin bins, or whatever it is. They've got full knowledge, rather than listening to me giving a report saying these are going to be the benefits X, Y and Z. They are involved in that process, in helping me make that policy and that's the way I sell it to them." – independent mayor

"...with the groups I've said to them I am quite happy to come along to your group meetings and be questioned by them... this gives them the view that this guy has got nothing to hide and it's a matter of endearing them to you and overcoming any initial distrust." – independent mayor

At times, local party groups can work against the independent mayor. In one mayoral authority, for example, unnecessary and unproductive animosity was created when the majority group in the council decided that instead of allowing the independent mayor to choose freely amongst members of their group for cabinet appointments, they would nominate members of their group for the posts and let the mayor choose amongst them. Further, there have been instances where independent mayors have offered executive posts to councillors who did not hold their party's nomination. In the face of party opposition to the appointments, a lot of these councillors have subsequently left the party group and declared themselves independents. This suggests it may not be in a party group's interests to try and limit the mayor's choice of cabinet appointments.

Additional support for independent mayors

Outside London there have so far been twenty two different people to hold mayoral office.⁵⁰ Seven of these have been independents making one third of all mayors elected so far non-party aligned. Five of the seven independents have come to the job from outside formal politics and some took office with very little knowledge of how councils function.⁵¹

⁵⁰ Institute for Government data

⁵¹ Private Interview

There are induction programmes for new councillors. But party groups and peers still play an important role in inducting less experienced councillors into the complex system of local governance with its myriad actors, institutions and conventions. Independent mayors with no experience of local government may therefore be at a double disadvantage.

Some of the independent mayors were unaware of the basic organisational set up and institutional context of their council. A lack of understanding of constitutional processes was identified as a contributory factor in the breakdown of relations in Doncaster.⁵² One chief executive described the importance of not “rushing in with the detail” and allowing inexperienced politicians to find their feet.

Local authorities which have decided to switch to the mayoral model should consider and plan for the possibility that independent mayors may be elected. Officers should be ready to support such mayors by briefing them on the basics of local and regional government institutions and council procedure. In some cases training in basic skills such as chairing meetings may also be required.

Independent mayors would particularly benefit from sharing learning with other mayors. The New Local Government Network (NLGN) has previously run a Mayoral Forum in which mayors could share learning across authorities. We would like to see a new mayoral network established.

Recommendations and lessons learnt

Despite some negative experiences, independent mayors are capable of forming stable administrations if they have the necessary support and conducive relationships with the rest of the council. We recommend that:

- During their preparation for election, councils should consider what training and support might be needed to support a politically or otherwise inexperienced mayor. Independent mayors should pro-actively engage with councillors, especially the leader of the majority group, by maintaining healthy dialogue and regularly putting proposals forward for pre-legislative scrutiny.
- Minority and independent mayors should consider the delegation of powers to individual cabinet members as a way of attracting councillors to their cabinets. This is also a powerful way for independent mayors to signal their intent of working with the rest of the council.

⁵² Audit Commission, 'Doncaster Corporate Governance Report', P 17-19 available at: <http://www.audit-commission.gov.uk/localgov/audit/inspection/reports/Pages/201004doncastermetropolitanboroughcouncilcorporategovernanceinspection.aspx>

8. Conclusion and summary of recommendations

What does a well functioning mayoral authority look like?

In a well functioning mayoral authority the mayor is a strong influencer who has proactively fostered relationships across their council and locality. The mayor then uses his influence to proactively draw together and coordinate the various institutions of mayoral governance.

A good mayor will go out of his way to involve the overview and scrutiny committee, for example through constant dialogue and pre-legislative scrutiny. Conversely, the overview and scrutiny committee will be engaged and work constructively with the mayor to improve the quality of decision making and governance. The mayor will empower non-executive councillors to work within their wards to achieve change. Those councillors will then use their deep knowledge of the people and communities in their wards to feed into the overview and scrutiny process enriching the information and perspectives on which they can draw when scrutinising the executive. Officers will serve the council as a whole and facilitate the flow of information between the various institutions, helping bind them together into a coherent whole. By using their influence and acting as a focal point for communication, the mayor will work, both with and through their cabinet, to coordinate the various public service providers (e.g. PCT, academy schools) and community organisations across their place, helping them to work together.

By contrast, in a poorly performing mayoral authority, the institutions will fail to look to each other as mutually beneficial parts of the system. The mayor will leave overview and scrutiny as a merely reactive body, reducing its influence and, in turn, councillor's commitment to the process. Non-executive councillors will be left powerless, with no formal role to engage with the public. As a result they will feel disengaged from the process as a whole and the overview and scrutiny process will be further impoverished through lack of interaction with the public it is supposed to serve. This will further disengage councillors from working productively with the executive. In the worst case, officer's loyalties will become split between the executive and non-executive elements of the council and they will not facilitate the flow of information between the two. This will reduce the potency of the scrutiny process, damage trust and further alienate non-executive councillors. The mayor will fail to realise their potential as an outward facing focal point for the community and will play no role in convening and coordinating the various public service providers and community groups that are working across their place.

The mayoral model in England has been built up over time in a piecemeal and incremental way through several different pieces of legislation. The way the council is elected, its size and distribution, was largely determined in the Local Government Act 1974. The executive split and

cabinet component of the mayoral model was grafted on to the pre-existing local government model in the Local Government Act 2000. The Local Government and Public Involvement in Health Act 2007 further adjusted the model and the Localism Bill is set to make further amendments. The wealth of other agencies and service providers operating in the same locality has also evolved significantly over time. The result of all this is that mayors find themselves at the centre of an unorthodox combination of institutions. It is highly unusual to have a cabinet system in a mayoral model, for the mayor to have so little power of appointment from outside the council, for there to be so many councillors and for there to be non-executive councillors who have no formally determined role. The key to achieving a well functioning mayoral authority is for the various institutions to look to each other as assets and proactively engage with each other to work as a coherent whole, in doing so achieving more than they would individually.

Our interviews with mayors, councillors, and senior officers from the current mayoral authorities revealed a number of ways in which the relationships that support mayoral governance could be improved. We recommend that:

We recommend that mayoral authorities should learn from each other's best practice and, where they have not already done so,

Mayors should:

1. Fully exploit their soft power and concentrate on developing the relationships that underpin these powers.
2. Devolve power and responsibility, for anti-social behaviour for example, to councillors on ward level forums. Councillors should be given sufficient power and resources to ensure they can deliver change and to ensure that ward level forums do not just become talking shops.

Mayoral authorities should:

3. Designated an officer responsible for supplying councillors with information in a useful format.
4. Give councillors the power to appoint their own dedicated overview and scrutiny support officer, through the appointments committee.
5. Give the mayor a veto over the appointment of the chief executive.
6. Consider, during their preparation for an election, what training and other support might be needed to support a politically or otherwise inexperienced mayor.
7. Ensure that all councillors have clearly defined roles and job descriptions.

Councillors should:

8. Establish systematic scrutiny review processes to follow up all recommendations made by the Overview and Scrutiny committee an appropriate period after they are made.
9. Be involved in the redesign of the scrutiny process. This will help to achieve the requisite buy-in and create an important psychological break with the past in order to renew the scrutiny process. Councillors should consider using a leaner, task and finish overview and scrutiny set up.

Monitoring officers should:

10. Take an “activist” approach during the transition to the mayoral model, dealing with any confusion over new roles, powers and reporting arrangements before they become big problems. Monitoring officers should advise members on which avenues for action are available to them under the new arrangements, as well as which ones are not, in order to channel political energies into the appropriate avenues.

Independent and minority mayors should:

11. Proactively engage with councillors, especially the leader of the majority group by maintaining regular dialogue and making regular use of pre-decision scrutiny for key decisions.
12. Seriously consider the delegation of executive power to individual cabinet members as a way of attracting talent to their cabinets and sending a signal they are willing to work with the rest of the council.

Together these measures will help to get the mayoral model working to its full potential.

Annex 1

Authority	Mayor	Political Affiliation	Background
Bedford BC	Frank Branston (2002-2009)	Independent	Journalist and newspaper proprietor
	Dave Hodgson (2009-present)	Liberal Democrat	Local Councillor and Leader of the Liberal Democrat Group
Doncaster MBC	Martin Winter (2002-2009)	Labour/Independent	Former Labour Leader of the Council and Local Councillor
	Peter Davies (2009-present)	English Democrats	Former teacher (Head of Religious Studies and Politics)
London Borough of Hackney	Jules Pipe CBE (2002-present)	Labour	Leader of the Council
Hartlepool MBC	Stuart Drummond (2002-present)	Independent	Credit Controller, Call-Centre Cruise ship steward Mascot of Hartlepool United Football Club
Leicester	Peter Soulsby (2011-present)	Labour	MP

Authority	Mayor	Political Affiliation	Background
London Borough of Lewisham	Sir Steve Bullock (2002-present)	Labour	Chair of University Hospital Lewisham Local Councillor and Leader of Lewisham Council
Mansfield DC	Tony Egginton (2002-present)	Independent/ Leader of a minority party the Independent Forum	Newsagent
Middlesbrough MBC	Ray Mallon (2002-present)	Independent	Former Cleveland Police Superintendent Sportsman
London Borough of Newham	Sir Robin Wales (2002-present)	Labour	Leader of the Council
North Tyneside MBC	Chris Morgan (2002-2003)	Conservative	Local Councillor
	John Harrison (2005-2009)	Labour	Leader of the Labour (2003-2005) Group on the Council and Local Councillor
	Linda Arkley (2003-2005) (2009- present)	Conservative	Local Councillor

Authority	Mayor	Political Affiliation	Background
Stoke-on-Trent	Mike Wolfe (2002-2005)	Independent	Former chief executive of the Stoke Citizen's Advice Bureau.
	Mark Meredith (2005-2009)	Labour	Businessman
	Council moved to the Leader and Cabinet Model in 2009.		
Torbay Council	Nick Bye (2005-2011)	Conservative	Local Councillor and estate agent
	Gordon Oliver (2011- present)	Conservative	Local councillor and estate agent
London Borough of Tower Hamlets	Lutfur Rahman (2010-present)	Independent	Local councillor and former Leader of the Council
Watford MBC	Dorothy Thornhill (2002-present)	Liberal Democrat	Local Councillor

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