

## OPPOSITION IN LOCAL GOVERNMENT

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Over the last ten year I have served as a Conservative councillor first on Glasgow Corporation and more recently on Strathclyde Regional Council.<sup>1</sup> It is my belief that Opposition in local government suffers in comparison with Parliamentary opposition in terms of status and prestige (and pay) but is otherwise more satisfying, more creative and more important than Opposition in Parliament.

There are three main reasons for this, perhaps surprising, state of affairs:—

- (1) Councillors of all parties, not just those belonging to the majority party serve on the committees responsible for the services provided by a local authority. Thus the composition of the Education Committee of a regional authority will be determined by the number of councillors from each party elected to the council as a whole. As a result opposition members are considering and discussing agendas, reports and papers at the same time and in the same forum as those members who form the Administration. This means that they are able to contribute at a more plastic stage of decision-making than is possible in national government where the legislative process and executive process are deliberately separated. As much local government business is not politically contentious, political polarisation is not automatic and consensus rather than confrontation is the norm in committees. As a result members are not barred by the fact of their being in opposition from a genuine role in developing the final form and content of those of their authority's programmes which are put forward in draft form by the officials.
- (2) Opposition members have automatic access to the local government officials who serve the Administration and by convention, which is normally scrupulously observed by

officials, are allowed to discuss with them and get information from them about all but the most politically sensitive matters, subject only to the right and duty of officials to report such discussions to the Chairman of the appropriate committee. It is difficult to overstate the importance of this direct and open contact with the officials responsible for drafting the policy options of the Administration. The process of education both as to the disciplines restricting the options and the public expectations about these options can be, and usually is, two-way so that the options can be much changed and usually developed in the process of discussion.

- (3) Local government councillors, both in administration and in opposition, have a right and a duty to monitor and attempt to improve the executive functioning of their local authorities both individually and through their committee work and again have the best chance to do so effectively through direct contact with the responsible officials.

The combined effect of the structure and conventions of local government is that councillors in opposition are better informed than M.P.s in opposition, have more scope to influence and modify the policies of the Administration and infinitely more power to intervene in the executive processes of local government. This holds both in general over the whole administration of the authority and in particular cases affecting their own electoral areas or individual electors.

Of course, there are important qualifications on the creative and constructive powers of opposition and these are both organisational and psychological.

Firstly, by rule of thumb, it is clear that the ability of opposition members to mould, influence or change either the range of options to be seriously considered by the local authority or, eventually, the preferred option gets more and more restricted as the process of decision forming moves along. There is most opportunity at the first stage of informal discussions, either individually or collectively in seminars where these take place; then still a significant chance to change options or value judgments on options where committees first consider a policy, programme or project set out in a discussion paper. When the committee thereafter considers a draft policy document with a view to approving it, the opportunity to change it is in practice restricted to piecemeal alterations. Then there is one last court

of appeal for the opposition which is paradoxically not the Council meeting at which they are present and can state their case, but the group meeting of the Administration party behind doors.

The paradox is that the closed doors which keep the opposition out sometimes allow their ideas in for private and serious consideration, when publicity and Administration has already dismissed them, and occasionally (but often enough to make the effort in opposition worthwhile) an administration will at that stage drop or send back to the drawing board important policy decisions.

Secondly, the exchange of information and comment among administration members, opposition members and the officials is seldom a genuine meeting of true minds. On the one hand, committee chairmen and officials are normally more involved in and more informed than the opposition members about the detailed workings of the services so that it is usually only the exceptionally well-informed or experienced opposition member who will be listened to with respect. On the other hand, local government, like national government, is democratic because and only so far as it is administered by officials who do their damndest to interpret and give effect to the (often inchoate) political programmes of the elected administration who have been given the mandate by their community at the ballot box. To some extent then officials must close their ears to the siren songs of opposition, however attractive and well rehearsed, when the electorate has already given their verdict on them.

Thirdly, there are considerably more psychological traps for the Opposition in local government than there are in Parliament. The close and personal relationships created in local government (because of its much smaller scale and bi-partisan organisation) allow the Administration (both elected members and senior officials) to use on Opposition members all the classical weapons of flattery and fear which the Government Whips' Office can use on their own Parliamentary backbenchers.

Oppositions can be and often are nobbled by private appeals. If necessary, public tributes may be paid to the creative and constructive contributions of Opposition members (so long as they do not upset the applecart) and places may be found for opposition members on special committees and delegations (as long as they do not rock the boat). Conversely, Opposition

representation on such special committees may be withheld or disappear if the opposition makes waves.

Information can become a power tool for the Administration. Opposition members may suddenly find they are given information which they badly want but "in confidence" so that they cannot use it. Equally it may be made clear that an embarrassing attack is likely to lead to normal sources of information drying up. The problems of judgment which arise are exactly the same as for political journalists covering Parliament and the Government.

There is one form of blackmail which Opposition members fear above all others, normally quite unnecessarily and in any case wrongly. This is that a determined attack on the Administration will be punished by withholding or delaying improvements in services within that member's constituency. It is not impossible or unknown for that to happen but it is a fear which must be disregarded. Firstly, it is rightly considered by officials as an improper use of power. Secondly, an active and vocal critic of the Administration is in practice far more likely to get better service for his or her constituents than a complacent and silent member. Lastly, it is intolerable that an opposition member, faced with this danger should opt for the quiet life of a party hack, and for the other party at that.

The last great psychological problem for the Opposition in local government is keeping a balance between the constructive and adversarial roles. Taken to extremes, an opposition could spend all its time improving the policies and performance of the Administration, even pulling the chestnuts out of the fire for their political opponents, and then find at election time that the public gave the credit for a well run authority to their opponents while at the same time criticizing the Opposition for being silent and ineffective.

Equally, an Opposition could settle for the adversarial role which is in any case urged upon it by the press and public and by their own supporters all of whom want to see a bit of blood and hear a bit of name calling and most of all want the complex issues of local government encapsulated in black and white. But no opposition will settle for a simple role as a team of gladiators, losing every battle in the council in the hope of winning the war at the next election.

In practice, all Oppositions in local government are by turns

Dr Jekyll, privately prescribing for various ailments of the Administration and Mr Hyde, publicly attacking the Administration either for taking the prescriptions or not, as the case may be. This is the most wearing and most difficult part of opposition in local government.

Even so, the complexity of political opposition in local government adds to the interest and satisfaction as well as the uncertainty. It is, however, only one part, even if a very important part, of the work of opposition.

The Opposition has four other main roles in local government:

1. as an informed critic of the policies of the Administration and the services of the authority;
2. as a catalyst for public debate on issues about which the public are or should be concerned or, at least, informed.
3. as a potential alternative administration, and
4. as a platform for sectional interests particularly affected by local authority decisions.

I shall look at these four roles in turn.

#### *The Opposition as critic*

If criticism is to be valid the critic must be informed as to the real choices available; the public is seldom well enough informed and must rely on the Opposition to criticise effectively.

In the nature of things Administrations inevitably put the best face on the policies which they choose and their reasons for doing so. It is for Oppositions to test publicly the alleged benefits of the chosen policies and the reasons for choosing them. This is partly for the information of the public at the time and partly also so that, as the policies are implemented and are seen to work to a greater or lesser degree, it is then possible to check back to see whether what is happening was foreseen and, in short, whether the policies were in fact the proper ones.

So far as the provision of services is concerned, whether the services be roads, housing, social work or anything else, every Administration tends to cover up. It is against common sense that any Administration should publicly confess that its provision of services is less than adequate or downright bad because of faulty decisions on the part of the elected members or faulty management by the officials. Yet there are many occasions when the defects cannot be put right by private rearrangement while

the Administration continues to insist publicly that the particular service is adequate.

There are times when it is the duty of the Opposition to muck-rake; to highlight defects in the provision of services in the sure and certain knowledge that the Administration will repudiate the charges but take care to ensure that the circumstances do not occur. An Administration under pressure will vote in favour of the motion "We're not guilty, but we won't do it again". And although it is frustrating to force divisions which are bound to be lost, it is part of the process of playing a constructive role, which curiously any administration worth its salt depends upon its opposition to play.

#### *The Opposition as catalyst*

The role of the Opposition as catalyst for public debate sometimes appears, and sometimes is in fact, tendentious, but it is still an important one. Very often real choices must be made on behalf of the public about the level of services to be provided; whether more or less manpower and money should be employed for certain services; whether the local authority should undertake new or additional services, or stop providing some services the justification for which is traditional rather than statute. Yet these choices may appear to be academic and theoretical because the Administration within a local authority may already have its dispositions when the issue comes up for formal decision, so that any change would involve a great deal of delay and expense.

Opposition members may well know this and know that, for the same reason, if they had suddenly to form an administration, they would be compelled to continue the same policies. They know furthermore that they cannot normally win the vote even if they win the theoretical argument.

However, there are many times when it is important that the Opposition insist on a full-scale public debate to ensure that members of the public have the chance of being informed about important issues. They can then tell the local authority, either by their individual complaints or by supporting pressure groups or through the ballot box itself, what changes in the level of services they want or are prepared to tolerate.

#### *The Opposition as alternative administration*

If the public does want a change from the policies of the ruling party, then ideally there should be a recognisably different

set of policies put forward by an Opposition party for it to choose. In practice, however, the public does not tend to choose in this impersonal way, but rather it identifies the policies of the Administration with its publicly known leaders and identifies the alternatives with the councillors in opposition who put them forward.

At its lowest, electors are reluctant to change an Administration which they have previously elected unless they believe that there is an alternative Administration competent to do the job better. It is essential for the Opposition in local government to satisfy the public that it could offer an effective alternative.

#### *The Opposition as platform for sectional interests*

The Opposition must also argue the case for sectional interests affected by local authority decisions in an endless debate — rural interests v urban: public passenger v private transport: private contractors v direct labour. There are conflicts of interest which should be made public, the more so in times of retrenchment when the role of the local authority as an employer can easily obscure the public interest.

Since the 1977 District elections<sup>2</sup> a fifth role has been forced on oppositions in the 16 local authorities where no single party has effective control. This is the self-denying one of not impeding or obstructing the consistent provision of services by the authorities.

It is easily within the power of opposition members in these authorities to combine to stop or reverse decisions which relate, in particular, to housing functions — decisions for example over such politically contentious and sensitive matters as local authority housing rents, sales, and building. In one sense they are politically bound as well as motivated to do so, but the reversal or even interruption of the programmes of the Administration could and normally would be very much against the public interest. This is the political dilemma for the Opposition in these divided councils and one which they are still grappling with — if the Opposition must be allowed to carry on its opposition, then even more so, the Administration must be allowed to carry on its administration.

This is a new and unexpected problem for some Oppositions. It comes at a time when in any case most parties are only beginning to learn the rules of the game. Opposition in local government in Scotland, organised along national political lines,

is still mostly in its infancy. The Labour Party was fighting local government elections regularly and systematically in the four main cities and in most of the counties and large burghs in the '30s but the activists in the Conservative and Liberal Parties fought mainly as Independents outside the four main cities. And in the cities and burghs where they did organise to fight local government elections they did so as Moderates or Progressives or under some other politically neutral title.

In the mid-sixties, the interdependence of national and local government was seen more clearly as was the increasing importance of local government and the other national parties reluctantly geared themselves for local government, supplanted by S.N.P. who saw in the annual elections of local government a series of base camps for their assault on the national peaks.

For the Conservative and Liberal Parties it was a difficult operation. Lacking in confidence as a result of their poor record in Parliamentary elections in Scotland, they had to reverse their favourite line of attack on Labour in local government — that it was somehow cheating for a national party to be involved in local politics. Allied to that was a deep-grained loyalty to a concept, almost a platonic ideal, of service by the individual to his or her local community, with judgment and integrity untainted by any ulterior motives, political or financial.

On a more mundane level, the effort and expense of fighting annual elections sometimes did not seem worth it. Control of councils was seldom at stake since only one-third of the seats could be fought at one time and in any case the public and the press refused to take elections seriously. Even so, each year more political candidates did stand in local elections and after each election more councils started to organise along national political lines.

However, it was the reorganisation of local government in 1974 which transformed the political situation. With 65 instead of 430 local authorities, the organisation of local elections by all the political parties has become much easier. Since every seat on a council is now contested at a single election every three years, control of councils is theoretically, and often in practice, at stake. As a result all the political parties find local elections much more attractive. With the much greater concentration by the press, TV and the public on local government, local elections have become essential for all the political parties who want to be taken seriously nationally, including the

Liberals and, in the 1977 District elections the new Scottish Labour Party.

Even so political involvement in local government is still restricted to the populous central belt and the north east of Scotland. Three regional authorities — the Highlands, Dumfries and Galloway and the Borders — together with the three island authorities — Orkney, Shetland and the Western Isles — are Independent. So too are nineteen district councils. With remarkable symmetry independence is circumferential running through the districts in Grampian Region outside Aberdeen City and all the districts of the Highlands, Dumfries and Galloway and the Borders except Berwickshire. Even within Strathclyde it is the District of Argyll and Bute lying at the north west extremity which remains Independent.

“Independent”, however, may be something of a misnomer. The more cynical observers will insist that independent councillors in these outlying authorities can be readily identified and divided into Conservative Independents, Labour Independents, S.N.P. Independents and a small class of independent Independents.

This is neither unlikely nor necessarily unfortunate. Local authorities now have to plan and implement programmes and projects over periods of five and even ten years. There must be a strong measure of consistency and consensus of purpose among those who form the Administrations in every Council. Indeed the Chief Executive of one “Independent” Region has said that it will “have to go political” if not by the elections of 1978 then at latest in 1982, not because of public or party pressure, but because the officials cannot do the necessary planning unless they get a sensible, consistent brief from the elected Administration which the Administration will then stick to. He could see no way of achieving this except through political organisation because political parties are forced beforehand to analyse the mandate they are asking the electorate to give them and are more likely to have the internal discipline to stick to their guns when the going gets rough.

If opposition in local government is worth it in terms of job satisfaction and worth it in terms of the need for the Administration to be kept under the pressure of criticism and the canvassing of alternatives to its preferred policies, is it worth it to the public? In other words, has the “politicising” of local government been for the public benefit and should it be extended

to some or all of the Independent Councils? There is one reasonably objective test which may be applied. The Wheatley Report<sup>3</sup> pointed out that in 1967 (then the most recent year in which elections had taken place in every different kind of local authority in Scotland). 63% of the seats had been uncontested. Ten years later, in 1977, we find that only 20% of the seats in the District elections were uncontested. Of course this might be partly the result of the smaller number of authorities, the longer gap between the elections and the greater interest in and dissatisfaction with local government, but these factors would presumably apply uniformly across the country. It is therefore significant that in the "political" Districts only 11% of the seats were uncontested, as opposed to 50% of seats uncontested in "Independent" Districts. From this it may be deduced that whatever the other merits of political opposition in local government, it does go a long way to ensure that at least one basic requirement of democracy is fulfilled — that the electorate be offered a choice.

#### REFERENCES

1. For a description of the structure of Scottish local government see Appendix 5.
2. See article by J. M. Bochel and D. T. Denver, "The District Council Elections May 1977" for detailed analysis of the results.
3. The Royal Commission on Local Government in Scotland 1966-9. Chairman: Lord Wheatley. Command 4150.