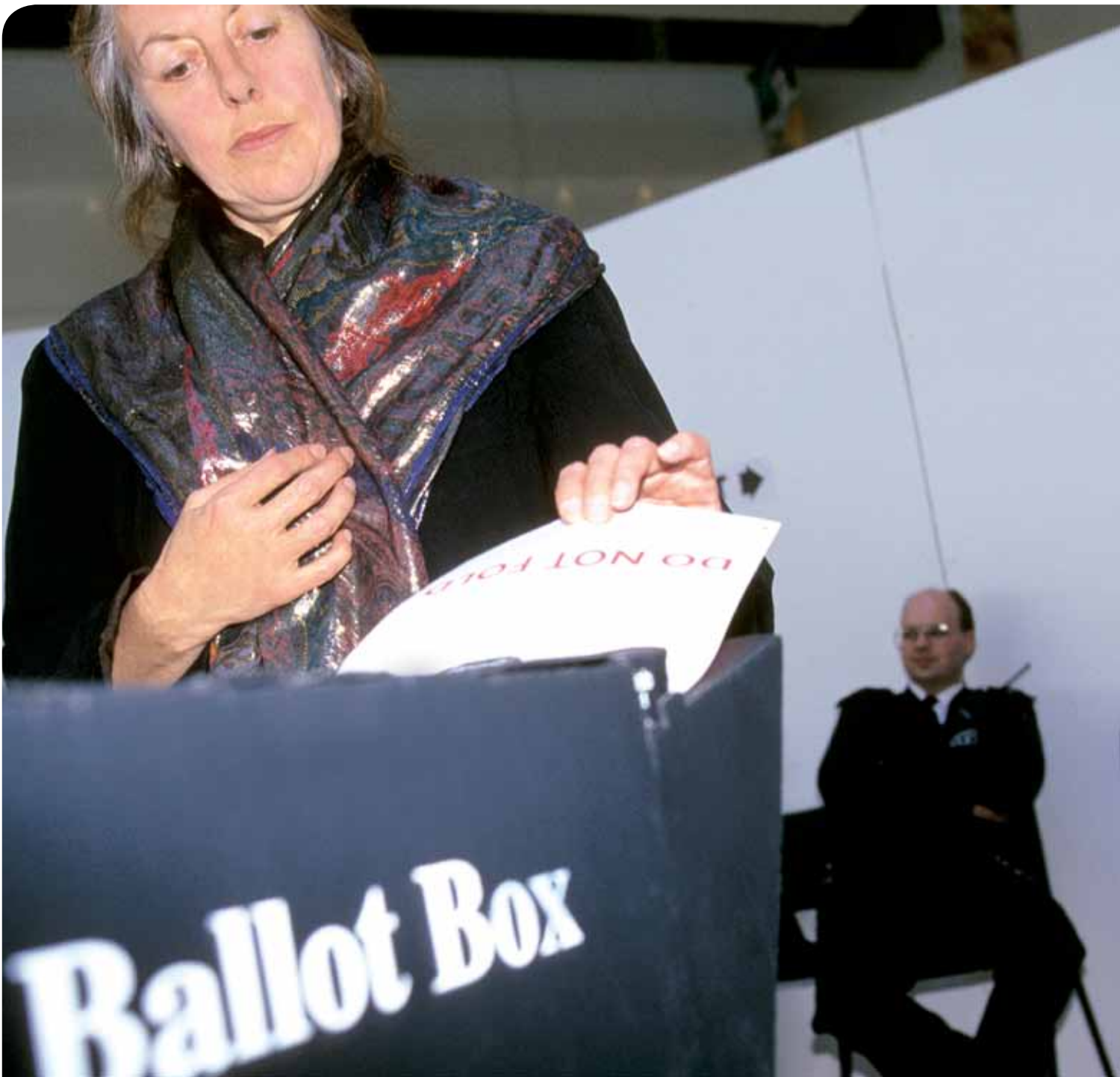


No overall control

The experience of chief executives in councils without a majority administration



Foreword

I recently spoke with a chief executive of a council which had moved to no overall control after many years of single party administration. He explained how, at first, this presented a real challenge to him and his senior colleagues and he'd looked around for the 'manual' of what to do. Of course, this did not exist and indeed there can be no single approach to take as each authority is different and the nature of relationships varies so widely. My own experience of this as chief executive in two different councils was very similar!

This made us think at the Local Government Association (LGA) about how we could capture some of the experiences of chief executives whose authorities had moved to a no overall control position and share it more widely. So, as councils prepare for local elections, we've talked to chief executives who have been at the helm of councils under no overall control and they've shared their experiences in order to support colleagues who find themselves in similar situations.

The LGA offers all authorities which change political control (whether to a single party administration or to no overall control) free support from our member peers for up to five days and this typically can involve facilitating workshops and away days to build relationships, clarifying strategic priorities

and mentoring for leaders or portfolio holders. If you think this is something that can help your authority, do please contact the Principal Advisor for your area.

We hope you are able to learn from this guide, find it helpful and if the next local elections return a position of no overall control for your council, that you are better prepared and effective in managing in that environment.

Many thanks to the chief executives who helped us to put together this guide. Should you have any comments or suggestions or wish to contribute to the growing body of work on this subject, please do let me know. And to see which councils are in no overall control after the May 2013 elections, visit: www.local.gov.uk/local-government-elections

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Forward planning: what to consider before the election

In the pre-election period there's a lot that a chief executive can do if they think there's a possibility of their authority moving to a position of no overall control.

The chiefs we talked to advocated the following:

- **Scenario planning:** Think about possible outcomes and likely solutions, working with your monitoring officer to map out how various scenarios will work in practice and considering whether any constitutional change or changes to agreed protocols will be necessary. By doing this, information and guidance will be on hand as soon as it is needed. Consider the 'softer' personal, relationships and political alternative situations (eg new group and council leaders, changes in portfolio holders, etc) as well as structural and governance arrangements. Even after all this, expect the unexpected.
- **Look at common ground:** Review the manifestos of the political groups to see potential areas of agreement and the key issues of contention so you are prepared.
- **Build and maintain good relationships across the political spectrum:** It's more important than ever that the chief executive has good relationships with councillors, and particularly group leaders (who may well change as a result of the election). He or she needs to be seen as a trusted, impartial advisor. Talk to the leader and the other political leaders about how they see things going post-election and ensure they know you will be there for them in the critical post-election period. Understand their priorities and motivations and assess their likely appetite for working across the political spectrum.
- **Brief your senior team and middle managers:** A change to no overall control will impact on different parts of the council to varying degrees and it is helpful to talk through scenarios and what the changes may involve ahead of the elections, in order that they are prepared and able to support the authority through the transition and beyond.
- **Ask other chief executives for advice:** Our case studies at the end of this guide give examples of how some councils have tackled the change to no overall control. Don't hesitate to ask others for advice.

Immediately after the election

Once the votes have been cast and counted, it's time for the decision making to begin. There are many options for forming an administration when no one party has overall control, but the advice of the chief executives we spoke to can be helpful to a variety of different scenarios as the principles are the same.

- **Give it time:** Don't be afraid to step back and give the politicians time to work things out, letting them know you're there 24/7 to offer advice when needed. Even if you have planned ahead, it can sometimes take time for parties to agree who will run the council and how.
- **Support deal making if appropriate between the parties:** Chief executives can have a uniquely valuable role in being trusted brokers, but this is a judgement call in each council as to how far you believe councillors will wish you to go. Your reputation for confidentiality and impartiality and sound judgement is of course vital.
- **Ensure you know and understand the priorities of the new leaders:** Consider ways of helping them to deliver these.
- **Once the composition of the administration is clear, consider practical matters such as briefings and protocols:** Briefings play a key role and the issue of who gets information and when can be a real point of contention in councils new to no overall control. Consider what's best in your authority and discuss with, and be led by, the political leadership – some chief executives use joint briefings and others brief parties separately. Some councillors find a combination approach works; joint briefings for the bigger issues and the chance for discussion between the leaders before they take it to the council chamber, and individual briefings as well, allowing politicians to really say what they think without other parties there.
- **Consider whether written agreements will be needed to facilitate the new arrangements:** In many cases, councils prefer a spoken agreement and feel this offers more flexibility. But in others, written agreements and protocols can be vital.
- **Work with the party leaders to agree an external communications protocol:** This involves things such as signing off press releases ensuring that communications with residents can continue. Your heads of communications and democratic services should work together on this.
- **Ensure your senior team and middle managers understand what the new arrangements mean for decision making and for information provision:** Acknowledge that decisions may take longer in a council with no overall control so plan on that basis to avoid surprises.
- **Brief staff and partners on the changes:** So that they understand the new arrangements and their implications and are reassured that council business continues.

In the slightly longer term

After the immediate post-election period there are a few final tips to consider:

- **Keep your antennae out:** Be aware of what seems to be going well and where tensions are arising. Ensure your senior team do the same. Respond in a very sensitive way. You are likely to spend more time supporting your politicians in the early days of a new no overall control administration. Ensure you remain impartial, able to keep a confidence and helpful.
- **Consider away days or strategy seminars with the cabinet and senior team to build relationships and clarify priorities:** Think about whether an external facilitator could help. Just because parties form a joint administration don't assume they will work together well.
- **Ensure new or inexperienced cabinet members are offered support, mentoring or training:** Try to anticipate this and offer it before they have to ask.
- **Keep prioritising communications:** Maintain close relationships with the leader(s) and communicate effectively with all members, managers, other staff and partners. Appropriate and sensitive communication is key to success.

Learning from experience

We spoke to chief executives who are already running councils under no overall control to prepare this guide.

Many said talking to other chief executives about their experience helped them learn, so they were happy to share their experience.

“To operate successfully in a council with no overall control, you need to promote consensus and that encourages healthy political debate and contributes towards an effective scrutiny process, all of which generates more robust policies in the long term.”

**David Hill,
Chief Executive,
Milton Keynes Council**

“Every local authority’s context is different so what works for one council won’t necessarily work for another. It’s about working out what will work locally. As a chief executive you have to be prepared to respond to the local context on what might work and what might not. This can be affected by personalities, the strength of feeling about what may be happening at the national level, and how local and national issues may be prioritised.”

**Stephen Baker,
Chief Executive,
Waveney District Council**

Case study: North East Lincolnshire

Tony Hunter, Chief Executive of North East Lincolnshire Council suggests the first task of a chief executive when a council changes its leadership is to speak to the leader, understand what he/she wants to achieve, what is expected of officers, and gain confidence that senior officers will be committed to providing full support in enabling the new administration to achieve its goals.

“You need to find out straight away what the priorities are for new leaders, to get under their skin, understand them and find a way of delivering their priorities,” he says.

Tony has more experience than most at the helm of a council with no overall control.

As director of social services, housing and public protection at East Riding of Yorkshire Council, he was part of the management team of a council that had a complete three way joint administration.

When he joined North East Lincolnshire in 2008, the council had had no overall control since 2004 when Labour lost control and the Conservatives and Liberal Democrats formed a joint administration with a large majority – all but four of the seats on the council. In 2009 arrangements changed with the Liberal Democrats forming a minority administration as the largest single group, though with enough cross party agreement on major issues to continue in office.

In 2011 Labour became the largest group, and formed a minority administration before gaining majority control in May 2012.

Tony considers that a protocol between the leaders about how things such as briefings operate has been important in enabling the council to function effectively, even though in practice it has never been necessary to refer to it frequently.

“Relationships between the chief executive and chief officers and the senior politicians of all groups are really important. They need to be based on trust and confidence,” he says, for example with the opposition accepting that key information cannot be given to them before the administration.

Tony also believes a chief executive needs an antennae to pick up frustrations early, and to deal with disagreements and rivalries in a sensitive way. “He or she needs to be open, but not too open!” he said.

A combination of joint briefings for leaders on key issues – often advantageous to the administration anyway – and providing opportunities for confidential chats are also vital. “You need to make sure that the leaders of the different political parties are given the opportunity to talk openly away from one another, as well as meeting together,” says Tony.

Case study: North Devon

North Devon Chief Executive Mike Mansell heads a council with an interesting political background.

The council is currently run by a Liberal Democrat and independent coalition. Of the 43 seats on the council, 18 are held by Conservatives, 14 by Liberal Democrats, and 11 are members of three different independent groups. These independent groups consist of former leaders of both the Conservative and Liberal Democrat parties, including a former council leader.

Before the current administration, North Devon was controlled by the Conservatives. And before that it saw 16 years of Liberal Democrat majority control.

The Liberal Democrats, when in majority control, took a decision to run the council with an executive that reflected the political balance of the council, which meant consensus politics was the norm for North Devon.

When the Conservatives took over in 2007, they followed the same model for around 18 months, but then decided to take control with a one party executive. The result was a major change at the next election and the Liberal Democrat and independent coalition was formed.

The unusual history at North Devon makes for interesting politics, and Mike, as chief executive, has to tread a fine balancing act.

“The coalition includes some fairly big hitters when it comes to politics, by the nature of two of the independent groups being led by former group leaders,” says Mike, who says there are at least three strong leaders on the eight-strong executive. As a result, he cannot rely on sign off from the leader of the council, and then take it to the executive.

“Just because you have a coalition, don’t assume there will be agreement on everything or that they will work together,” he says.

Mike was appointed chief executive half way through the Conservative rule, and this was something he had to address as soon as the balance of power changes so it didn’t become an issue.

“It was important I wasn’t seen as a Conservative stooge,” says Mike. “As chief executive it’s important that your administration see you as someone they can trust.

“As a result I had to sever close relationships with the Conservatives very quickly. But I told them that I had to do this, and why, and they understood. It was vital to give confidence to the coalition but I also didn’t want the Conservatives to feel they’d had their noses put out of joint.”

One thing that North Devon put in place to ensure easy transition between different administrations was a firm structure for corporate planning and strategy building. This means that when the administration changes, the structures are still in place and the council can continue to move forward and prepare for the future.

The planning process is well formulated and documented, meaning the decision making is divorced from the actual decision process, says Mike.

Despite the complexities of the political background at North Devon, Mike is convinced that having a council under no overall control is no bad thing. "It's a fine balancing act, but the problems aren't insurmountable," he says.

Steps taken to help things run smoothly at North Devon included planning formal and informal executive meetings, and inviting lead members to a meeting to discuss how they would like to be briefed. "If we'd sat down with them individually, we'd have ended up with four different ideas. By sitting down together, we were able to iron out how it would work for all," says Mike.

Mike was also careful to develop relationships with members of the executive who were not used to being in power. And he hasn't been afraid to put the brakes on and delay a decision that has proved difficult. "Sometimes putting the brakes on and standing back for a day or two to let things develop is a good thing. By slowing the process down, you can regain some control," he says.

North Devon has set up clear protocols for briefings, with the portfolio holders being briefed as well as the Leader. If the matter is locality based, the ward member is also involved.

In hindsight, Mike says the one thing he would do differently is involve senior officers more in the early stages of a new administration.

Case study: Stroud

Becoming a council with no overall control came as no surprise for Stroud District Council.

What was a surprise to many was the resignation of the chair of council from the largest group immediately after the election, further complicating the political calculations.

The council faced a long silence over the bank holiday weekend. Chief Executive David Hagg says: “With four political groups and some independent councillors, they needed time so we had a quiet period where I had to speak to each of the leaders and let them work out a way forward.

“It was vital to keep the lines of communication open with all the group leaders, but it was equally important to make sure that the conversations I was having with them were in the right sequence. The Conservative leader was still constitutionally the leader of the council and it remained the group with the largest number of seats. Would they try to make a last minute deal?”

For David, stepping back and letting the parties have time to work things out felt unnerving. “The silence can be very eerie but you have to give them space to work things out for themselves. I was there to help and offer advice and checked out how negotiations progressed. While that was happening it was business as usual for the council.”

In the end, the Labour, Liberal Democrat and Green groups formed an administration. There is no formal agreement between the parties and no joint set of political priorities, though one of their first decisions was to move to a committee system.

Before the election, David had brought staff together in one of his quarterly briefing sessions to let them know that the 2012 elections may bring change. His message to staff was that it would be business as usual should the council have no overall political control and it needed time to form an administration.

Case study: Cambridge

Learning from others and planning for any eventuality are the top tips of Antoinette Jackson, Chief Executive of Cambridge City Council.

In May 2012, the council found it was in a position of no overall control after the Liberal Democrats' majority had reduced over time.

In the lead up to the election, Antoinette ensured she, and senior officers, continued to have good relationships with all parties and continued to serve the whole council.

They also looked closely at the different party manifestos to see where there was common ground and to understand what might be issues of contention if there was not outright control with any one party.

“You have to be very discreet but plan out different scenarios and how they might work,” says Antoinette.

“Then, once you are no overall control, it's easier to talk more directly about how things might shape up.”

Antoinette talked to other councils in the run up to the election.

“That helped me to have confidence to deal with what might be a period of change; it reassured me that what I was doing was right,” she said.

The chief executive also looked at different scenarios and what might need to be put in place to support those, for example whether procedures and protocols that worked well with a majority group would still work as well in a no overall control situation.

Case study: Newark and Sherwood

Before the 2011 elections, Newark and Sherwood District Council was under Conservative control.

But with a slim majority of just two seats, Chief Executive Andrew Muter was facing up to the fact that the elections may return a council with no overall control.

Historically, Newark and Sherwood was used to a council without majority control.

“We had to think about the possibility of a minority administration, and other situations the election might bring,” says Andrew. “This was a situation we’d been in before and it’s in the ether. As officers and members, we’d been in this situation before, so we knew it was possible again.”

In the past, Newark and Sherwood had been run by a small group of Independent councillors, and had also faced the situation of complete deadlock, with equal numbers of councillors in the ruling Conservative party and 23 in opposition.

With the 2011 elections looming, and change looking like a possibility, Andrew held discussions with the group leaders, letting them know that officers were available to give advice.

The outcome was that the 46 places on the council were divided as 22 Conservative seats, 15 Labour, six independents and three Liberal Democrats.

Andrew talked with the Conservative and Labour leaders to help them find a way to make the council run smoothly and effectively.

Although a coalition administration was an option, the Conservatives decided to run the council with a minority before joining up with two of the independent councillors to form a Conservative/Independent alliance.

Andrew offered a draft agreement, modelled loosely on the coalition government’s agreement, for the Conservatives to use with the independent councillors if they wanted to.

Andrew stresses that it’s important to let councillors know that they can come to officers for advice, and that officers are there to support them.

Case study: Purbeck

Steve Mackenzie has found being Chief Executive of a council with no overall control has been a blessing in Purbeck.

“It’s a good thing in policy terms as there’s not a gulf between local Conservative and Liberal Democrats, they work together,” says Steve, who has been with Purbeck District Council for 15 years. Purbeck currently has an administration with 12 Conservative councillors, 10 Liberal Democrats, and two independents. Before that, it had 11 Conservatives, 11 Liberal Democrats and two independents.

“We’re very lucky in Purbeck in so much as the councillors have the best interests of the local residents at heart and therefore happily work together to achieve those interests. It isn’t about party politics but doing what’s right for residents,” says Steve who was a director at Purbeck before becoming chief executive in 2005. On a lot of things, the council does not split but makes decisions which are cross party.

Steve says briefings are the key to ensuring councils under no overall control are able to work well. “In Purbeck each of the general managers has briefings with the spokespersons for the parties, preferably at the same time, although this doesn’t have to be the case. Allowing briefings with individuals is also important,” he said.

“It’s a case of striking a balance between having everyone together for a briefing

and facilitating them hearing one another’s viewpoints and debating the issue behind closed doors, and enabling them to feel able to come to us as individuals as well.”

Steve says if an administration which is under no overall control is likely, it’s a good idea to introduce informal cross-party briefings before the elections, and encourage an agreement that they continue after the election.

“The thing with a council under no overall control is that you don’t know how long it’s going to last,” says Steve. “It’s not unknown for one councillor to defect to another party and shift the balance.”

Good communication with the parties is vital, says Steve, as well as keeping confidentiality.

Steve says: “There will be matters that the parties disagree on, so it’s a case of thinking about how they will come out and preparing for them. The preparation should help even if the timing for the disagreement is unexpected.

“By maintaining a good relationship with all, it means trust can build. Confidentiality is crucial.

Steve encourages general managers to work closely with portfolio holders and officer/member protocols help to enhance these relationships. “This isn’t just about a hung council though,” says Steve. “The same protocols should exist regardless of the make up of the council.”

Case study: Brighton and Hove

When Penny Thompson was interviewed for the Chief Executive's role at Brighton and Hove City Council, she made it clear she'd relish the challenge of being at the helm of an authority that was under no overall control...but made a point of saying she'd only take the job if it was a unanimous decision between the three party leaders.

They gave her that vote of confidence and she took over as chief executive in November 2012.

"Being at the helm of a council with no overall control is not something to be feared," says Penny.

"I think political diversity is great. It's very true to the place. Democracy is very much alive here in Brighton and Hove and the make up of the council reflects local feelings. That makes it stimulating and challenging and actually very enjoyable."

Penny finds councillors in her authority generally agree around 90 per cent of the time. And a monthly meeting with the three leaders of the key political parties means there's a chance for them to debate more contentious issues behind closed doors, with Penny acting as facilitator.

"I see my role as mediating and holding the ring," says Penny, "trying to help members have conversations that can be quite tricky at times. It's about supporting the politicians so they can be effective.

"You've got to have the confidence of each of the political groups to run a council that is under no overall control."

Impartiality is key, she says, along with openness and good communication.

One of the first things she did when she arrived at Brighton and Hove was to sit down with the leaders and discuss the terms of reference for the leaders' group meeting and modify them slightly, with buy-in from all three parties.

The council's values are at the heart of how the council operates and those values are based on relationships, meaning there is support across the council, from officers and members.

Penny also helps the political parties to work together, for instance when recruiting senior staff, strengthening their working relationship with one another, and with her as chief executive.

Case study: Broxtowe

Running a council under no overall control is different, says Ruth Hyde, Chief Executive of Broxtowe Borough Council.

Ruth has been chief executive at Broxtowe for six years, having come from an authority which had a stable, long-term Liberal Democrat administration.

In Broxtowe, the council is run by a Lib Dem/Labour alliance, but it has a multi-party Cabinet with three Conservative councillors, three Labour, and two Liberal Democrats. The council is run by a Labour leader, yet the Conservatives have the largest number of seats.

“What we have is very unusual,” says Ruth. Change is common, and involving the three parties in the Cabinet provides some stability.

One of the key differences Ruth has noticed is that the council’s agenda is less clear than she’s experienced in other authorities. “The vision and agenda is more blurred and cannot look too far ahead,” says Ruth. “But realistically you need that flexibility. It’s not disadvantageous.”

Another difference is the amount of time the chief executive needs to invest in relationships. “It requires a lot more dialogue with a lot more people,” says Ruth. “And you can’t afford to be too rigid. You have to treat people differently, according to what works for them.”

Decisions take time in a council with no overall control, she says, and you shouldn’t rush things. “I find it’s important to provide briefings early, and to factor in that it is a slower process. The parties need time to talk and reach an agreement. Then there may be amendments to be made, and all the time you need to be balancing and maintaining relationships with the parties.”

There are no written protocols or agreements in Broxtowe, and councillors work across the political divide.

An annual away day helps the politicians concentrate on the bigger picture in Broxtowe, and financial briefings are given separately for each political party, helping them to air their thoughts and concerns about the budget openly.

Confidentiality is key says Ruth, along with facilitating an environment where councillors can discuss more controversial issues before they are discussed openly in the council chamber.

Above all, the unusual political situation Broxtowe finds itself in works because councillors put the community at the heart of what they do, says Ruth. And they have trust and respect which means conventions are strong enough to help them work together flexibly, without having to have agreements in writing which may prove too rigid.



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