Democracy in an apolitical council

The Orkney Manifesto Group was conceived in order to stimulate the politicisation of the OIC, which historically has been a council of independents. Such a process can only happen if it is initiated by political parties - whether new or established - and ultimately sanctioned by the electorate. It cannot be initiated by the OIC itself.

The OMG believes that on grounds of accountability, legitimacy, transparency, quality and diversity, party-based representation would offer more robust democratic governance than does the current council of independents.

With the promise of the “Our Islands Our Future” campaign to secure greater autonomy for Orkney, the issue of strengthening local democracy has taken on even greater importance.

How the “independent” council works

The election process

Prior to the election each candidate declares and stands as either an independent or sponsored by a political party. Independent candidates are obviously self-selected and go through no screening process.

The electorate is free to vote for either independent or political candidates. Orkney has a history of very few political candidates standing, and even fewer (possibly none) being elected.

The last election was something of an exception since four candidates were sponsored by the Scottish National Party, and one by the UK Independence Party. None, however, was elected. The Orkney Manifesto Group fielded three candidates, all of whom were successful. However, the OMG was not operating as a registered political party at that time, and the three candidates stood formally as independents.

There may be a preference among Orkney electors for a council made up of independents but this has not really been tested. The SNP and UKIP failure to secure any seats at the 2012 election cannot be attributed necessarily to their status as political parties. The stature of individual candidates or the thrust of their policies may have been sufficient reason for their rejection by the electorate. The Liberal-Democrat Party declined to field candidates, although the move was actively considered by them.
For the OIC to become politicised in the normal sense, a strong field of party candidates would need sufficient support from the electorate to gain a significant number of seats. With there being 21 seats on the council, a single party would need to secure 11 seats to gain control of the council.

As long as there are enough political party candidates standing, it is the electorate which determines whether the council is independent. There is no constitutional arrangement which makes it so.

Appointment of the Convener and committee chairpersons

Very shortly after the election there is an initial statutory meeting of the council. The main business transacted is the election of the Convener for the life of the Council, and the election of the chairpersons of the various standing committees, to serve for a two-year period.

Without party affiliations or a controlling party organisation and hierarchy, candidacy for these positions is completely open to all members. The members act as an electoral college to choose from among self-nominated candidates of their number.

At this very early point in the life of the council, there is only a very limited information base on which members can choose their leaders, since the track record, experience and skills of the candidates may be little known to new members, and the political position of none of them has been declared in any detail, if at all.

The lack of transparency into the process is exacerbated by the activity of unacknowledged, informal groupings of members which have no political identity, but which operate in concert in various contexts throughout the life of the council. From the perspective of the electorate these groups are effectively operating as cabals.

In terms of democratic process, therefore, the Convener and committee chairpersons have dubious legitimacy. The electorate has no direct or indirect role in their selection, since there is no indication during the election as to who may aspire to these offices or what support they might have. Yet these office-holders are potentially in a position of considerable influence.

In a party-based council, the process of the statutory council meeting is the same. However, there is a strong likelihood that the leader of the winning party will take on the role of Convener since he will command the votes of his party membership. Similarly, the chairpersons are effectively appointed by the leadership of the party coming into power.
In this case, the office-holders derive their legitimacy directly from the electorate, which has elected them in the full knowledge of their politics and the roles which they are likely to play in an administration. This will be true especially if candidates already held a party position of spokesperson for a particular portfolio.

**Developing a programme**

In a council where a single party has gained control following an election, there is a ready-made mandate for the new council to implement. It is simply the election manifesto on which the successful party stood.

Where two parties have agreed to form a coalition, there is a process of negotiation between the parties to develop a programme, based on combining and reconciling their two manifestos in the light of their relative strength and what is logically possible. This is generally a fairly rapid process since the two positions to be reconciled are well-defined.

In either case, the largest party or coalition of parties forms an executive to deliver the programme, giving direction to the council officials on an ongoing basis.

The above arrangement is very familiar from the Westminster and Holyrood parliamentary model. It is also the system followed by all other local governments in Scotland, but for the Western Isles, which operates like Orkney, and Shetland, which has its own unique arrangements.

In the case of the Orkney Islands Council, where councillors have been elected or re-elected on the basis of personality, perceived track record or a brief election pamphlet - and a very few on the basis of a fuller policy statement amounting to a manifesto - the process of developing a programme is much more difficult and time-consuming.

The process is facilitated by OIC officials through a number of workshops, and results in the production of a five-year “Council Plan”, some six to eight months after the election. A political party undertaking the equivalent process would begin with values and high-level principles and work down to objectives and policies. The Council Plan is created by a bottom-up process, starting with the combined laundry list of proposed policies of all of the members. Priorities and higher-level objectives emerge as a consensus is reached.

However, because of the way it has been created, the document represents the lowest common denominator of the positions of the disparate group of independent members and it does not distinguish levels of priority. There is no
process to test whether the various positions represented by the independents are reflective of the opinions of the wider Orkney population. However, there is public consultation on the draft Council Plan as a whole at the end of the process.

The publication of the Council Plan represents the end of formal political input into the council programme until the next council is formed. There is limited review of the Council Plan during the term of the council.

**Implementation**

In most local authorities, whether controlled by a single party or a coalition, delivery of the programme is steered by the political executive. They determine the policies to be debated and the agenda to be followed. There is continuous political control of the process throughout the life of the council.

When policies are debated there is a built-in advantage to the controlling party or parties, which gives them a good chance of delivering against their mandate. The other parties act as a loyal opposition, critiquing proposals and helping to knock them into shape.

In the case of the OIC, the Council Plan is used by council officials as a reference point and touchstone for the development of policy proposals during the life of the council. Control of the agenda largely passes to the Chief Executive and his/her officials once the Council Plan has been agreed.

The role of councillors in this system is to review policy proposals produced by the officials and to agree or reject them, often selecting from a range of options, from among which one is usually recommended by the officials. This arrangement effectively casts the officials as the executive and councillors as mere scrutineers, or sometimes a (usually divided) opposition.

Each issue tends to be approached in an ad hoc manner by each councillor since there is no informed and accountable party line for him or her to follow. Even after two years of getting to know them, it is often difficult to predict how some councillors will vote.

If a committee chairman has a good working relationship with his/her corresponding director then he/she may successfully influence the development of policy. However, since the chairmen, historically, have always been independents they have hardly been politically accountable. The opaque method of their appointment has already been mentioned.
Critique

Accountability

The current council of independents lacks accountability. The councillors rely on OIC officials to develop detailed policy and provide continuity of approach to local issues.

Having been elected largely on the basis of personality rather than on a policy manifesto, the councillors have no executive mandate for any particular course of action. Councillors have no real individual or collective accountability as a result. The Council Plan is not democratically tested. The councillors act, therefore, as delegates, rather than representatives of the people.

When the elections come around we have to evaluate councillors who are standing again on the basis of personality and reputation. We cannot inform our vote based on the individual councillor’s debating or voting behaviour in the council chamber since there is no full transcript or broadcast of debates, and very few votes are recorded. Unless we can attend each and every public meeting of the council and its committees we have no way of knowing in full how we are being represented.

In an independent council, if a large number of councillors stand down at the end of a council term, there is a loss of continuity of experience, without any compensating political continuity.

Under a party-based system, when elections come around we know which party to reward or punish on the basis of performance. There is group accountability. This is not possible in Orkney.

Transparency

Although some of the councillors on the OIC truly act as independents, many of them are independent in name only, and belong in fact to one informal grouping or another. With the exception of the Orkney Manifesto Group, these groupings are unacknowledged, have no political identity and operate in an opaque and undemocratic manner.

One of the frustrations of the public is that there is little or no public political debate on contentious issues prior to formal decision-making. The use of closed members’ seminars and unpublished briefing notes to pass information from officials to councillors is a cause for criticism. In a sense these practices amount to necessary education, but they also constitute a key opinion-forming process. The equivalent process in a political context would happen within the parties. There would almost certainly be more open public debate as well.
The lack of transparency could be ameliorated in a number of ways. Web-casting has been championed by the OMG as one method. Unfortunately, a majority of the current council is camera-shy and, unbelievably, has voted to introduce audio-casting instead. Audio-casting will require each member to be identified prior to speaking. The protocols surrounding this have yet to be worked out.

Recording and publication of members’ voting would not only assist transparency and accountability but would provide a more robust democratic process. A more proactive communication strategy across the work of council would also greatly improve transparency.

It is hard to argue against the view that the OIC – officials and members together – tends to close ranks in the face of criticism, and uses the defence of “reputational risk” too readily to justify a lack of openness.

Quality and Diversity

The knowledge, skills and experience of candidates standing for election to the OIC is mixed.

If political parties were to participate in local democracy, the best of them would be able to encourage members to stand. They would screen candidates and only sponsor those who would be expected to perform creditably for the party.

However, there is also an issue of remuneration, which affects all councils in Scotland, not only Orkney. In order to meet the demands of the role, the job of a councillor has long been a full-time one. The level of remuneration is not commensurate with that.

Salaries for elected members in Scotland were introduced in May 2007. The basic salary for backbench councillors when first introduced was £15,454, this increased to £15,838 on 1 April 2008, and £16,234 from 1 April 2009. No further increases have been made. This places full time councillors on a pay-scale below the minimum for a police constable or a probationary teacher.

Out of the 46 candidates who stood at the last election, at least 36 were either retired or self-employed. We should also address the fact that of those 46 candidates 37 were male.

We need to broaden the base of representation by making it affordable for potential candidates to give up their employment to take on a full-time job as a councillor. If we are to have a chamber that truly reflects the community which
they serve, we also need to look at the factors that deter a greater number of women, young folk and minority groups standing for council, and address these. A reduced number of local councillors on a full-time salary-level equivalent to the mean salary of the white collar worker in Scotland would cost no more than the current representation and would, at the same time, encourage a much wider base of potential councillors from all walks of life to run the gamut of local elections.

The remuneration and expenses of councillors is set by the Scottish government, as advised, until February 2013, by the Scottish Local Authorities Remuneration Committee (SLARC).

It is very unclear what the intention of the Scottish government now is on this issue.

**Conclusion**

The parties set up to fight OIC elections needn’t be local branches of the national political parties. Indeed truly local parties would avoid the opprobrium attached to the national parties.

The advantage of using existing entities is that they have the resources to support local candidates in the development of a manifesto, in screening candidates etc. They are also recognisable by what they stand for, the values that they bring to consideration of any issue.

Given time, local parties could match this capability. The Orkney Manifesto Group has already registered as a formal political party, unaffiliated to any national party but with a liberal-left-leaning approach to politics.

We would welcome some party-based competition.

Orkney Manifesto Group
23 May, 2014