

An Elected Regional Assembly for the West Midlands Region?

Recommendations on
the English Regions White Paper
Your Region, Your Choice

By

CHARLIE JEFFERY
ADRIAN REILLY

on behalf of the

West Midlands Governance Action Research Group

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Preface:

The West Midlands Governance Action Research Group

This paper has been prepared by members of the West Midlands Governance Action Research Group, an independent group of academics from West Midlands universities, whose interest lies in researching and informing on current issues relating to government and governance in the region. The group works with policy actors and stakeholders in the region as they respond to government policy on the English regions. The group has produced an audit of current regional governance arrangements in the West Midlands, has reported on alternative approaches to devolution and decentralisation, and has begun a programme of research on public attitudes to the regional question in the West Midlands. This paper is a response to the government's White Paper on the English regions and has been researched with the support of the West Midlands Regional Assembly. It is both a submission to the consultation process launched in the White Paper for the English Regions and a contribution to raising awareness in the region about future reform options. More information on the Group and its work can be obtained from Professor Charlie Jeffery at c.a.jeffery@bham.ac.uk.

The opinions expressed and recommendations made in this report are those of the West Midlands Governance Action Research Group and cannot be held to be representative of the views of West Midlands Regional Assembly.

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Executive Summary

1. The West Midlands can learn much from how devolved bodies in the rest of the UK have attempted to make politics more representative, more open to citizens and to stakeholder participation, and more inclusive of different interests.
2. There is a valued record of cross-party cooperation and non-party independents in the West Midlands. An Elected Regional Assembly (ERA) needs to build on this record and allow the West Midlands to break out of the mould of Westminster politics.
3. The political parties should be encouraged to think 'outside the box' on candidate selection for a West Midlands ERA and ensure that new blood, women and ethnic minority candidates are put forward for election.
4. The idea of a small, strategic ERA as a different kind of representative body than local councils or Westminster needs to be 'sold' better; small size should not be an obstacle to stakeholder input.
5. All ERA business at every level – committee, plenary and cabinet – should be placed on easily accessible public record as soon as possible.
6. In conducting its business – in committee, plenary, and cabinet – a West Midlands ERA must 'reach out' to its citizens by 'roaming' around the region.
7. Though images of a rural-urban divide are overstated in the West Midlands, an ERA would need to focus strongly on the strategic integration of rural and urban issues in order to secure its legitimacy across the region.
8. Arrangements for stakeholder involvement in ERAs must build on existing good practice in the current appointed Regional Assemblies and extend it to new civil society groups.
9. Stakeholder involvement in ERAs must be a statutory duty, applied flexibly in each region to reflect differences in circumstance and practice, and must apply at the decision-making stage, not be limited to post-decision scrutiny only.
10. Civic Forums can add legitimacy to decisions taken in elected bodies; but if they are introduced in the English regions, their membership has to be limited to a manageable size to avoid them being perceived as mere 'talking shops', and resources to support their operation have to be made available.
11. Partnership Councils for local government, business, and the voluntary sector offer a more focused arena than Civic Forums for the discussion of policy issues with stakeholder groups.
12. A West Midlands ERA should make full use of available expertise in the region and ensure its decisions are expert-led and not driven by the rituals of partisan debate.
13. ERA Committees must not be restricted to after-the-event scrutiny, but must also have a role in policy development, and be adequately resourced to play that role.
14. ERA Committees must be organised by subject; there must be a guaranteed role for stakeholder input into subject committees, with stakeholder members on an equal footing with elected members in both scrutiny and policy development matters.

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Introduction

Your Region, Your Choice

The publication of the White Paper "Your Region, Your Choice – Revitalising the English Regions" on 9 May 2002 was a landmark event in the devolution reforms since 1997. The White Paper opened up for the first time the prospect of elected regional assemblies (ERAs) in the English regions. One or more pioneer regions are expected to hold referendums on the establishment of ERAs before the next general election. Regional elections in any regions that record a yes-vote will then follow in the next Parliament. The first ERAs could be constituted and in action by 2006 or 2007.

Until then all the English regions outside London will see a strengthening of existing structures of administrative decentralisation: Government Offices acting as regional arms of Whitehall; business-led Regional Development Agencies; and the Regional Chambers – now all self-styled as 'Regional Assemblies' – which lend a partial element of regional accountability through members selected from local government, business, voluntary sector and other organisations in each region.

The central question facing each region has been whether to look beyond administrative decentralisation and seek leave to hold a referendum on establishing an ERA. In some regions like the South East or the East Midlands it is clear that there is minimal demand for ERAs. They will follow the administrative decentralisation route for the foreseeable future. Key players in the North East and the North West see their regions as candidates for the first wave of referendums, confident that there is a strong underlying demand for ERAs.

Other regions – e.g. the South West and the West Midlands - sit somewhere in the middle. They feel neglected by Whitehall, are concerned about the current lack of accountability surrounding public services delivered in the region, and the main regional stakeholders and institutions have developed effective practices of regional working. At the same time there are a number of doubts about whether to take the extra step towards ERAs:

- The level of public support for ERAs is not clear; **would voters identify with and legitimate a new regional tier of government?**
- Others are anxious that ERAs would be dominated by big-city concerns at the expense of rural areas, especially as the White Paper makes the abolition of two-tier local government – which exists mainly in the rural counties – a prerequisite for the ERA process; **would ERAs really be able or inclined to act for the whole of the region?**
- Some stakeholder interests are comfortable with current arrangements for their participation in regional governance through the Regional Chambers/Assemblies; **would stakeholders lose valued opportunities for input and influence once an assembly of elected politicians was established?**
- Voters are cynical about politics and politicians. Both Westminster and local politics is seen as stale, ritualistic and, in part, corrupt; **would a new form of regional politics be any different?**

Our Region, Our Choice

In regions like the West Midlands there needs to be some clarity about these questions. One of the strengths of the White Paper is that it leaves the key decisions about ERAs to be taken in each region individually. Regional stakeholders and institutions will be consulted as to whether a referendum should be held. Any referendums will give regional electorates the final decision. There will therefore be eight different regional debates about ERAs, not just one England-wide one. Each region therefore has the opportunity to build its vision of what an ERA should be like, to develop its own answers to open questions like those listed above, to develop its own informed judgements about whether what the government plans for ERAs is good enough for that region.

This paper is an initial attempt, framed by the policy parameters established in the White Paper, to set out what a West Midlands ERA should be like if established. Some in the region feel that the ERA model set out in the White Paper is unsatisfactory. We do not comment here on its satisfactoriness compared to alternative models of regional governance. The recommendations that we highlight are about how the White Paper's ERA model might best work in the West Midlands. The paper draws on an extensive series of interviews conducted with political parties, MPs, councillors, representatives of the current set of regional institutions, businesspeople, officers and members of voluntary sector bodies and regional interest groups. Our aim was to get as good a cross-section of views from regional opinion-formers as possible. A list of the organisations we consulted is given in the Appendix.

The paper also uses experience elsewhere in the UK as a benchmark. Devolution in Scotland and Wales in particular was marked out as a 'new politics'. Though there were no uniform understandings of what this 'newness' consisted of, there was a common thread: devolved politics would aim not to replicate Westminster-style politics. For some this meant bringing about better social representativeness in politics, especially on the gender issue; for others it meant a greater commitment to connect formal politics better with the citizens and social interests it is supposed to serve (as an antidote to Westminster's perceived 'remoteness'); for others still it was about a more constructive, consensual style of politics based on reconciling different interests through compromise (rather than the tired, confrontational rituals of partisan debate at Westminster).

Though there is some entirely merited scepticism about the gap between the rhetoric and the practice of new politics in Scotland and Wales, a number of procedural and institutional innovations have been introduced there (others also in Northern Ireland and London) which can help clarify what good – or bad – practice is in thinking about a new politics might look like in and around a future ERA for the West Midlands.

Recommendation 1:

The West Midlands can learn much from how devolved bodies in the rest of the UK have attempted to make politics more representative, more open to citizens and to stakeholder participation, and more inclusive of different interests.

Representing the West Midlands

Establishing an ERA means organising an electoral process. The White Paper has proposed that each ERA will have between 25 and 35 elected members. The electoral system will be the 'additional member system' (AMS) already used for elections to the Scottish Parliament, Welsh Assembly and Greater London Authority. Under this system voters have two votes. The first is cast in traditional 'first-past-the-post' constituency contests and would elect around two-thirds of the ERA members. The other one-third would be elected through a second vote, cast on a region-wide basis for a party 'list' (as used in the new system for European Parliament elections). These 'additional' (or 'top-up') list members will help ensure the composition of the ERA is more proportional to overall party vote shares across the region than a straightforward first-past-the-post system.

Our respondents pointed to three sets of concerns about the process of electing a West Midlands ERA: on the need to avoid ritualised party-political confrontation; on candidate selection; and on the size of assembly needed to 'represent' all of the West Midlands.

Party politics

There is clearly a widespread disenchantment with the traditional form of party-politics in Britain - 'adversarial and bitter' as one respondent put it. Partisan divisions among local government representatives were in some views already undermining the effectiveness of the current Regional Assembly; such traditions had to be avoided in a future ERA. The creation of the National Exhibition Centre and the growth of Birmingham International Airport were cited as evidence of the benefits of working across party boundaries. The conclusion: 'if you want to take forward a regional agenda it will not work on a party basis'. There was a belief, though, that 'any elected assembly would be hung', i.e. that AMS would prevent any one party gaining an absolute majority and force parties to work together.

The evidence to support that belief is mixed. According to a study carried out on the likely outcome of using AMS in the West Midlands by the LSE political scientist Patrick Dunleavy, Labour would have won 51% of the seats in a West Midlands regional election at the time of the 1997 general election. However, where regional elections have been held in the UK - in Scotland and Wales in 1999 and in London in 2000 - a different picture emerges. Voters have not reproduced general election results in their regions. While Labour won 54.7% of the vote in Wales in the 1997 general election, Labour won only 37.6% in the Welsh election two years later. There was a similar pattern in Scotland and London. A West Midlands ERA might, indeed, be a 'hung' assembly.

It is all the more likely to be so if voters make use of the potential under AMS to vote tactically. AMS allows voters the possibility of voting for one party in constituency contests and another on the regional list vote. This is called 'ticket-splitting' in the USA and can be used to reduce the likelihood of any single party having overall control. It can also be used by voters to 'experiment' with parties outside the usual spectrum. Because of their strength on the regional list vote, the Greens won three seats (out of 25) on the Greater London Assembly (just one less than the Liberal Democrats) and one in the Scottish Parliament. The Scottish Socialist Party also won a list seat in the Scottish Parliament in 1999.

The possibility of small party representation is one which appealed to some of our respondents who were convinced of the need to 'open the system to people outside the [conventional] parties'. The West Midlands has a relatively strong profile at the local level of elected members outside the main parties, with two councils currently controlled by non-aligned groups (South Shropshire and Wyre Forest).

"The traditional party political system isn't effective any more. What we need is an independent 'West Midlands Party,' which would be issue led rather than grinding a traditional political axe".

Box 1: Non-Party Independents in the West Midlands

- Richard Taylor sits as Westminster MP for Wyre Forest
- Taylor's group – formed as a protest against the closure of Kidderminster Hospital – has almost two-thirds of the seats on Wyre Forest District Council
- South Shropshire District Council has no Conservative or Labour Councillors and is controlled by Independents
- 4.7% of seats on West Midlands local authorities are held by independents

This profile – together with the evidence of small party representation in Scotland and London – suggests that scepticism that 'there is really no place for independents in an organisation' such as an ERA is misplaced. A list of independents – perhaps a region-wide 'coalition' of independent groupings, perhaps a regional business party – would almost certainly win one or two ERA seats if it gained 5% or so of the West Midlands vote. NB: Richard Taylor, trading on local disillusionment with the major parties, succeeded in winning 58% of the vote for the save Kidderminster Hospital group in Wyre Forest in the 2001 general election!

In other words, regional elections allow regional voters to think and vote differently than they would for general elections. And AMS gives them tactical weapons to open up the regional political process to new forces.

Recommendation 2:

There is a valued record of cross-party cooperation and non-party independents in the West Midlands. An Elected Regional Assembly needs to build on this record and allow the West Midlands to break out of the mould of Westminster politics.

Candidate selection

Inevitably, though, the bulk of elected members in ERAs will be from the 'traditional' parties: Labour, Conservatives and Liberal-Democrats. This begs the question of how they would select their candidates for a West Midlands ERA. There was a clear concern among our respondents that they should 'think outside the box' on candidate selection. Though some felt that 'the best person suited should just be chosen', others were concerned that judgements about who is 'best' reflect the eye of the beholder – and most of the beholders in local party organisations are a self-reproducing group of 50-plus, white men.

There was a particular concern that selection processes should look beyond 'the usual suspects': MPs should not seek a 'dual mandate' and seek election to an ERA; nor should an ERA become a rest-home for local councillors, whose reputation is little higher than that of MPs: 'if the assembly ends up being run by superannuated [local] politicians then it will be a total disaster for everybody and we would be better off not going down that route'.

Box 2: Innovations in party candidate selection in Scotland and Wales

- **Self-nomination:** opening up the candidate nomination process to individuals and breaking the domination of party committees
- **Twinning:** pairing off constituencies of similar 'winnability' and selecting a female candidate for one and a male for the second
- **Zippering:** making sure that places on regional lists are allocated alternately to men and women

Some of the innovations in candidate selection for the new elected bodies in Scotland and Wales suggest how the 'usual suspects' syndrome might be avoided. One of these is the practice of 'self-nomination' of candidates used widely among the major parties in Scotland and Wales rather than relying on party committees to produce candidate lists. Although this procedure was adopted in part as a means of overcoming a shortage of candidates quickly, the self-nomination process also allowed 'new blood' to come to light.

Other Scottish and Welsh innovations concern gender balance. A number of our respondents expressed concern that political parties in the West Midlands should do more to make sure that their candidates 'looked' more like the societies they seek to represent. Gender balance is one obvious concern here: 'if there isn't some form of mechanism for a 50-50 split on the [candidate] lists then it is a lost opportunity'. Another is ethnic minority representation, on which the UK record is lamentable at all levels of election.

On both counts the White Paper has encouraged political parties to think further on these issues. And on the gender issue at least, experience from the 1999 Scottish and Welsh elections points to a way forward through ideas on 'twinning' and 'zipping' candidate selection processes (see Box 2). In both places there is now a comparatively high percentage of female representatives (37.2% in Scotland and 38.3% in Wales. Parties in both places though failed to apply equivalent innovations in candidate selection to ethnic minorities.

There is clearly an opportunity here for the political parties in the West Midlands not just to adopt good practice from elsewhere but to extend it to ensure that a future ERA really reflects the society it is supposed to represent.

Recommendation 3:

The political parties should be encouraged to think 'outside the box' on candidate selection for a West Midlands ERA and ensure that new blood, women and ethnic minority candidates are put forward for election.

How big an Assembly?

One of the most controversial issues arising from the White Paper has been the size of ERA envisaged: ERAs would have between 25 and 35 members. Consultation meetings organised around the West Midlands by the Regional Assembly and the Constitutional Convention have revealed significant disquiet about whether such a small number of representatives could genuinely 'represent' the West Midlands.

Similar concerns were expressed by some of our respondents. Where this was the case the reference point was clearly representative standards in local government ('each council should have at least one place') or, as in the quote below, Westminster, where the West Midlands has 59 MPs in the House of Commons. Other comparators might be Scotland, Northern Ireland and Wales, whose elected bodies have 129, 108 and 60 members respectively in places of smaller population than the West Midlands.

"An assembly of 35 is absolutely ridiculous. To have 35 people taking all the decisions for five and a half million people doesn't even come close to the same ratio as the Westminster model"

However, the other comparator is the GLA, which has just 25 members and a bigger population than the West Midlands. The role of the GLA – like that of the proposed ERAs – is 'strategic'. It sets parameters and objectives which other bodies put into effect; it has no direct role in service delivery. There is an argument that this kind of strategic role needs fewer elected representatives: 'we are talking about a body which will have strategic responsibilities. You don't need a cast of thousands'.

"It is a nonsense that people want a large assembly. If this is going to be a strategic body you cannot possibly have a hundred people taking strategic decisions on anything. It is just a no-brainer"

It is, however, clear that the idea of a strategic, direction-setting role for ERAs has not been widely understood and needs further discussion and elaboration both by central government and in the regions. Two other concerns were raised in the West Midlands: if the ERA is going to be of this kind of size then its members should be full-time; and the ceiling on membership should be exclusive of additional measures to involve stakeholder representatives (see further below): 'if stakeholders can be formally included elsewhere in the process then the small size might help better service delivery on the ground'.

Recommendation 4:

The idea of a small, strategic ERA as a different kind of representative body than local councils or Westminster needs to be 'sold' better; small size should not be an obstacle to stakeholder input.

Connecting People to Politics – Across the Region

One of the main claims made in the White Paper is that ERAs will ‘bring decision-making closer to the people’. Little is done in the White Paper to substantiate that claim. Beyond the act of voting it delivers no obvious vision of how people might connect with a body operating on their behalf. This seems to be a serious flaw in an era of deep public disillusionment with politics. A clear view expressed by our respondents was that ERAs had to connect and develop an openness to public engagement reaching beyond that offered by local government and Westminster.

Opening up the ERA to the public

Getting the public involved in a strategic body not directly involved in service delivery was not viewed as straightforward. ‘It is much more difficult if you’re a strategic body in using tools like citizens’ juries to shape public engagement’. Or more bluntly: ‘To think that the public are going to connect with the assembly is unrealistic. They’re just not switched on to the strategic level of government’.

Others were less pessimistic, but concerned to reach out beyond those who are already politically active: ‘All these reaching-out techniques tend to be self-selecting. They include people who would get involved anyway. We’ve got to open it up to people who wouldn’t normally get involved and this is not an instantaneous process’. A range of methods need to be used to do this.

Simply using modern communication technologies well was one. Putting full records of ERA business on the web was one obvious step to take. Except where material might be commercially sensitive or otherwise subject to confidentiality, all plenary debates, committee proceedings, hearings, and – as is done in Wales – cabinet minutes should be placed rapidly on the public record. Exploration of state of the art electronic consultation procedures open to the general public was also seen as highly desirable.

Recommendation 5:

All ERA business at every level – committee, plenary and cabinet – should be placed on easily accessible public record as soon as possible.

It is not enough though to rely on technology. ‘Face-to-face’ interaction is needed too. Taking the ERA out into the region was seen by respondents as a crucial element in building links between assembly and citizens. In both Scotland and Wales committees have met – albeit in a rather spasmodic way – outside Edinburgh and Cardiff. And in Wales there are four Regional Committees which bring together Assembly Members from each region and act as a forum for open debate and public engagement.

The possibility of West Midlands ERA committees meeting ‘out and about’ in the region was strongly favoured by a majority of respondents ‘especially when there are specific issues that involve different parts of the region’ under debate. There was no evident demand for a version of the Welsh Regional Committees presumably because of the difficulty of imagining what meaningful (sub-)regional units in the West Midlands would be.

“If elected assemblies are going to be seen to have some kind of legitimacy it isn’t just going to be through the ballot box. It’s going to be through a whole variety of mechanisms, garnering the views of the region and to some degree responding to them. This might be combinations of touring around and having social groups involved. This could help the elected members understand the concerns of the man on the street otherwise at the regional level things could seem very remote from the man on the bus”

There was though a sense that even the assembly plenary or its cabinet might, on occasion, meet 'on the road' in locations around the region. Though a 'roaming' assembly raised some concerns – notably on cost issues and the need for forward planning for accessibility, e.g. in the case of disabled participants – there was a clear consensus that such an approach was central to any 'connection' strategy. It would help counter perceptions of 'remoteness', over-identification with the regional 'capital' and offer citizens a stake in ERA business.

Recommendation 6:

In conducting its business – in committee, plenary, and cabinet – a West Midlands ERA must 'reach out' to its citizens by 'roaming' around the region.

An Assembly for all of the region

Some of the strongest concerns about the possible 'remoteness' of an ERA have been expressed in the West Midlands – and in other English regions – by voices from rural areas. A number of our rural-area respondents were worried about the 'relationship between them and the biggest urban conurbation outside London. There is a fundamental feeling of discomfort'. There were some fears that the political 'weight' of the Wolverhampton-Birmingham-Coventry conurbation would lead to neglect of rural issues.

"People don't understand how big the difficulties are of governing a rural area and unless they do then the assembly is likely to have a rural versus urban competition"

There is a wider political context against which this 'discomfort' has to be viewed. Rural issues have been strongly profiled in media and political debate over the last few years through fuel protests, the countryside lobby, successive farming crises and so on. An additional rural vs. urban issue arose following the publication of the White Paper. The linkage in the White Paper between introducing ERAs and local government reorganisation was perceived in some quarters as an attack on (by their nature largely rural) county councils. This was an issue the Conservative Party in Westminster immediately signalled it would play on as it took up a position of opposition to the establishment of ERAs.

However, and despite the concerns noted above, the centre of gravity of our findings was that – at least in the West Midlands – any urban-rural divide was exaggerated. Stressing division within the region was more political strategy than reality: 'the issue is being played up by certain groups' and for some was seen as an unwelcome attempt to 'import' Westminster-style partisan politics into the West Midlands arena. As one rural respondent put it, 'there should not be a battle between urban and rural areas. There is a very close relationship between the two, especially in the West Midlands.'

"The urban-rural thing is a tremendously overstated difference. The issues on the whole for rural and urban communities are very similar . . . it is a myth about the rural divide"

Stressing this commonality rather than difference was seen as the way forward. Here, the potential for an ERA to take a genuinely region-wide strategic view was stressed. It would need to build on the strong foundation laid already by the Regional Development Agency, Advantage West Midlands whose role in moving rural issues onto the agenda was seen as positive. An ERA would need to take this forward and 'provide integrated strategies for the region as a whole'. Combined with the kind of 'outreach' strategy set out above, a strategy for regional integration was essential in creating an assembly for all of the region.

Recommendation 7:

Though images of a rural-urban divide are overstated in the West Midlands, an ERA would need to focus strongly on the strategic integration of rural and urban issues in order to secure its legitimacy across the region.

Civil Society and Stakeholder Participation

The most open-ended part of the White Paper was on stakeholder involvement in the proposed ERAs. The White Paper announced a consultation process on how best to secure stakeholder involvement, and on how far the government should be prescriptive on the question of stakeholder involvement in future legislation on the introduction of ERAs.

The question of stakeholder involvement has a further nuance. The current, appointed Regional Assemblies offer a forum for the involvement of stakeholder groups in local government, business, the voluntary sector and other interests in regional governance. After a shaky start in the West Midlands and elsewhere, the current Regional Assemblies are now valued as a mechanism for consultation in devising and delivering policies in the region.

“We would not wish to lose the positive benefits that have been achieved over the last couple of years from increased working across and within sectors”

The current Regional Assemblies will also be one of the respondents in the consultation process set out in the White Paper on whether any region should move forward to a referendum on introducing ERAs. That consultation will be a little like ‘turkeys voting for Christmas’.

“We now have excellent examples of stakeholders working really well in partnerships in ways that bear fruit for the regional economy. The very last thing we need is to throw all that up in the air again”

In what circumstances, then, would regional stakeholders endorse a move away from the current stakeholder-led Assembly to a politician-led Elected Regional Assembly? The answer is clear: only if they can envisage opportunities for stakeholder input at least as effective as those in place now. Some of our respondents pushed this point further: though the existing Assembly has improved opportunities for civil society to exert an influence on policy in the region, it has done so on a fairly narrow front. Here too, an ERA should look to move beyond the ‘usual suspects.’

Recommendation 8:

Arrangements for stakeholder involvement in ERAs must build on existing good practice in the current appointed Regional Assemblies and extend it to new civil society groups.

Basic requirements for the West Midlands

In ensuring that level of stakeholder involvement, our respondents set out a number of basic requirements.

- First, there should be a statutory duty on ERAs to involve stakeholders in order to guarantee meaningful input – as long as this does not run the danger of becoming a ‘box-ticking exercise’ as one respondent with unhappy memories of the old, statutory rates consultation put it.
- Second, though, legislation on the issue should not be detailed i.e. ‘one-size-fits-all’ prescription. Flexibility from region to region, and even within the West Midlands is the key: ‘If you don’t include flexibility you fail. There isn’t one model that fits all here’; ‘it must be left to the region to work out what is needed and what will work in the West Midlands’.
- Third, engagement with stakeholders should lead to real influence on decision-making – i.e. engagement before a decision is made by the ERA – ‘not just evaluating decisions that have already been made’.

Recommendation 9:

Stakeholder involvement in ERAs must be a statutory duty, applied flexibly in each region to reflect differences in circumstance and practice, and must apply at the decision-making stage, not be limited to post-decision scrutiny only.

In part drawing on experience in the existing devolved institutions the White Paper set out a number of mechanisms for bringing in stakeholder involvement to ERAs. A number of these related to the operation of the ERA itself and are discussed in the next section. The White Paper also highlighted the possibility of stakeholder bodies outside the ERA itself. These – the Civic Forums established in Scotland, Northern Ireland and London and the Partnership Councils linking the local government, business and voluntary sectors with the National Assembly in Wales – are discussed first (see Appendix Two).

There was clearly support among our respondents for some kind of formal structure for stakeholder interests alongside a future West Midlands ERA. The elected members would need ‘the active engagement of different communities alongside the elected members in a role in which they can help shape policy formation’. Just how that role should be guaranteed was less clear, not least because awareness of the options set out in the White Paper and how they work in practice elsewhere in the UK was low.

A Civic Forum for the West Midlands . . .

Civic Forums provoked split opinion. There was a general concern – as has been the case most obviously in Northern Ireland – that elected politicians’ instinct would be to ignore or frustrate a civic body. And though some felt that the Civic Forums were working well, more were concerned at their apparent unwieldiness. The Scottish Civic Forum has over 250 full and associate members. The London Civic Forum also has a mass membership, and has had to create a more streamlined Council of 50 representatives and an Executive Committee of ten to carry its work forward. There was no support among our respondents for a Civic Forum of this kind of size: ‘the numbers involved become so large that things just wouldn’t be able to reach any end and decision-making would become almost impossible’. And: ‘A civic forum is likely to be a talking shop and only a nod towards real stakeholder involvement’.

Box 3. The roles of the Civic Forums in Scotland and London

The Scottish Civic Forum is a membership organisation committed to building a new culture of active citizenship in which the people of Scotland have a genuine opportunity to be involved in influencing the Government policies that affect their lives. We are building links between the people of Scotland, the Scottish Executive, the Scottish Parliament and between different parts of civil society.

The London Civic Forum engages the capital’s civic society in the new governance of London through democratic debate and effective consultation with the Mayor and the Greater London Assembly. It

- Advises the Mayor and the Greater London Assembly
- Monitors the effectiveness of the Greater London Authority
- Encourages cross-sectoral partnerships among civil society organisations
- Acts as a catalyst for civic engagement and promotes civic entrepreneurship

There was clearly a concern, though, for some kind of body to carry out the kinds of role that the Civic Forums play in Scotland and London, as set out in Box 3. Some described what they envisaged as a regional 'second chamber' (seen by some as a reconstitution of the current appointed Regional Assembly, by others as a body like the US Senate). This might, perhaps on a quarterly basis, meet to debate 'the big issues' – e.g. regional development strategy or the region's European policy – and ensure a 'wide spectrum of support, and not just from the elected politicians of the assembly'. It was important that an ERA would be able to provide funding and resources to support the work of any stakeholder forum.

"In a sense what a stakeholder forum is for is to legitimise the body making decisions and provide a safety valve so that if there are big issues then at least they can be aired in a wider forum before a decision is made"

Recommendation 10:

Civic Forums can add legitimacy to decisions taken in elected bodies; but if they are introduced in the English regions, their membership has to be limited to a manageable size to avoid them being perceived as mere 'talking shops', and resources to support their operation have to be made available.

. . . or Partnership Councils for the key stakeholder groups?

There was strong interest in the institutional model of Partnership Councils used in the Welsh Assembly as an alternative way of generating this wider social legitimacy for important decisions. The Partnership Councils were bodies specified in the Government of Wales Act and were designed to give teeth to the rhetoric of 'partnership' that had accompanied devolution in Wales. Partnership Councils were set up with what the inaugural Welsh First Minister, Alun Michael, called the three 'golden threads' of the Assembly's partnership strategy: local government, business, and the voluntary sector (see Box 4). Though they have had inevitable teething troubles, the partnership council approach is now perceived to be working well as a means for stakeholders to influence forthcoming policy, especially where more detailed policy questions are discussed in specialist working groups of the Councils.

Box 4. The Welsh Partnership Councils

- **The Local Government Partnership Council** has members drawn from the Welsh Assembly (11 members), members from local government drawn mainly from the Welsh Local Government Association (10), plus representatives of community councils (2) and the National Park, police and fire authorities (1 member each). It meets quarterly in Cardiff and elsewhere, advises the Assembly on matters affecting the exercise of any of its functions, and represents matters of concern to local government to the Assembly.
- **The Business Partnership Council** has 11 members from the Welsh Assembly, 5 each from the Wales TUC and Business Wales, and 2 from the cooperative/community 'social economy'. Meetings are held three times a year. It discusses key policy developments of interest to the business community and informs Assembly judgement on the health and prospects of the Welsh economy.
- **The Voluntary Sector Partnership Council** (yet to begin operation) will have 11 members from the Welsh Assembly, 3 from the Wales Council for Voluntary Action and 21 sectoral representatives. It will meet at least twice a year and will consider issues that affect the voluntary sector and make recommendations to the Assembly.

The added value of Partnership Councils was seen to lie in their smaller and more focused membership: 'You would be much better off with smaller, dedicated groups organised around specific policy concerns'. This was a particular issue for the business sector whose representatives are often ill at ease in large, cross-sectoral discussion forums whose other members are used to different working practices. As one business respondent put it: 'If you believe in elected assemblies you clearly want the best brains to be engaged in an appropriate way. The best business brains certainly will not be engaged if they feel they are part of a talking shop.'

"What you learn from sharing practice and experience in partnership bodies has tremendous benefit because it feeds back. And the other thing is that people feel they are playing a part and have some ownership of the system of governance and this is very important. And you are also open and transparent about what you are doing and this is a powerful message to partners"

Variants of the partnership council model in operation at the local level in the West Midlands were seen as a positive model, again in the sense of legitimising policy outputs through consultative input: 'In other words we can recognise the added legitimacy that direct election brings and, at the same time, value and respect other forms of accountability'.

Recommendation 11:

Partnership Councils for local government, business, and the voluntary sector offer a more focused arena than Civic Forums for the discussion of policy issues with stakeholder groups.

How a West Midlands ERA Should Work

Stakeholder involvement in ERAs will clearly not be restricted to extra-Assembly bodies such as civic forums or partnership councils. These will not be permanently sitting bodies and will meet, at best, periodically. If the idea of stakeholder involvement is to be taken seriously, additional mechanisms for sustained stakeholder engagement will need to be created.

These mechanisms would bring in expertise; they could also help the ERAs to escape the adversarial traditions of British party politics. Among our respondents there was a strong concern that adversarial politics be left at the door of a West Midlands ERA and that debates should be issue-led and guided by expert opinion, not ideology: 'The ability to widen the debate, to bring in people from outside as facilitators in those debates and to inform members in terms of reaching decisions, is crucial'; 'we need a space that brings together members and policy experts, so that we can get away from "yah-boo" politics'.

Recommendation 12:

A West Midlands ERA should make full use of available expertise in the region and ensure its decisions are expert-led and not driven by the rituals of partisan debate.

The White Paper again offered guidance on these points, suggesting that stakeholder representatives could be co-opted onto ERA committees, perhaps even with voting rights, or be recruited as policy advisers on specific topics. In addition, the ERA might make periodic statements, followed by Q and A sessions directed at the concerns of stakeholder communities, e.g. on business conditions in the region.

ERA Committees: scrutiny-plus

A number of themes emerged from our respondents. The first was that periodic statements might be a useful mechanism, but in and of themselves were insufficient and could only be considered as part of a wider portfolio of stakeholder inputs.

Most attention was paid, though, to the operation of ERA committees. There was a broad agreement that these should not be – as implied in the White Paper – limited to a scrutiny role. This would be too reactive; there had also to be a policy development role: ‘In a scrutiny committee members would be looking back at something that had already happened. If you’re looking back at something you’re not actually contributing to the debate on whatever the issue is’. One of the obvious models would be the Scottish Parliament Subject Committees, which combine scrutiny work with, in principle, a strong policy development role. That policy development role has, though, been subordinated to the sheer pressure of scrutiny work; the volume of scrutiny work can in other words quickly consume available resources. This is a pitfall that ERAs will need to be aware of.

Recommendation 13:

ERA Committees must not be restricted to after-the-event scrutiny, but must also have a role in policy development, and be adequately resources to play that role.

There was also a very strong concern that stakeholder groups should have a full – i.e. voting – role in committee work, and not be limited to the role of advisers. There was less support for the idea – initially mooted by Peter Mandelson and mentioned in the White Paper – that appointed members should have full rights of ERA membership (though some did support the idea of speaking rights for non-voting members in plenary sessions).

There was strong support for a subject committee model, as far as possible flanking the responsibilities of ERA cabinet members, as the best way to bring in stakeholder expertise: ‘There needs to be a system of networks behind each cabinet member to ensure true representation for all those different sectoral voices and to feed in their knowledge’. How this would be put into practice was less clear, though some pointed to good practice in policy and planning committees at the local level. For example, in Hereford each cabinet member is supported by a committee that ‘can include non-elected members and experts as well as elected members and acts as an advisory group . . . so any new policy is discussed here’.

Others suggested a minimum requirement for stakeholder representation in ERA committees be specified, backed up by a procedure – carried out through a Civic Forum or through Partnership Councils – for selecting the right expertise and spread of interests to carry out that role. However it is organised, though, there was unanimous support among our respondents that ‘non-elected stakeholders need to be involved’ and a clear sense that if the Government’s further ideas on fleshing out policy on ERAs did not reflect this view, then the value of that policy would be put in doubt.

Recommendation 14:

ERA Committees must be organised by subject; there must be a guaranteed role for stakeholder input into subject committees, with stakeholder members on an equal footing with elected members in both scrutiny and policy development matters.

CONCLUSIONS

At the outset of this paper four key themes were identified that the research has attempted to address.

Legitimacy and Support

Throughout the research there was concern to think 'outside the box' as a way of securing its legitimacy. The Additional Member System offers voters a series of options that do not exist within current local or national politics. Equally, opening the system to largely excluded groups e.g. women and ethnic minorities, would encourage wider participation and help break down the image of politics being dominated by white, middle-aged males. Any ERA would need to innovate in these ways to counter public cynicism about politics.

The Role of Citizens

The West Midlands combines dense urban conurbations and rural communities, both of which have specific concerns. The ability to combine these concerns in regional strategies will be crucial in generating commitment to an ERA across the region. This engagement can be strengthened by reducing the remoteness of an Assembly. In particular, the use of 'roaming' mechanisms were seen as a positive way of connecting with citizens and encouraging participation.

Stakeholder Participation

Many stakeholders were positive about the current regional assembly and were concerned to ensure they would retain a strong input under an ERA system. The participation of stakeholders in both scrutiny and policy development roles was seen as vital. There was widespread support for the involvement of stakeholders at all levels of decision-making on a flexible and issue led basis.

The Development of a 'New' Politics

The Regional Assembly was viewed as an opportunity to create a new style of politics, less hamstrung by partisan confrontation. An ERA in which no political party may have overall control offers opportunities to nurture this 'new' style of politics at the regional level. The findings here suggest that the prospect of developing a different type of politics can only be enhanced by the creation of an ERA that embraces citizen engagement, stakeholder participation and a region-wide vision.

Appendix One – List of Organisations Consulted in Preparing this Paper

Advantage West Midlands	Labour Party
Association of Town and Parish Councils	Regional Action West Midlands
Birmingham Chamber of Commerce	Shropshire County Council
Birmingham City Council	Stafford Borough Council
CBI	Staffordshire County Council
Commission for Racial Equality	Stoke City Council
Conservative Party	TUC
Coventry City Council	Warwickshire County Council
Disability West Midlands	West Midlands Business Policy Group
Government Office for the West Midlands	West Midlands Constitutional Convention
Hereford Council	West Midlands European Network
Independent Councillors	West Midlands Regional Assembly
Institute of Directors	Worcester County Council

Appendix Two –

Stakeholder Involvement in Scotland, Wales, Northern Ireland and London

The Scottish Civic Forum

Established as the successor to the Scottish Civic Assembly, the Scottish Civic Forum has the primary purpose of acting as an ‘additional mechanism in the consultation process,’ i.e. to provide an arena in which civic organisations can discuss their interests. It does not act as a second chamber, or some form of people’s parliament, but is intended to promote the interests of its members only. Initial financial support for the Civic Forum was provided by the Scottish Executive for a three year period, with the Executive seeing the Civic Forum as ‘a sign of commitment to the new politics of participation . . . [and] as a vital part of the new Scotland’ (Scottish Executive, Pres Release, 29.10.99). The Civic forum aims to establish and maintain links between the people of Scotland and the Scottish Parliament and between different parts of civic society. It does so in a number of ways:

- By monitoring the work of Executive and Parliament to ensure the principles of participatory democracy are upheld
- Encouraging legislative participation via the operation of policy forums and public dialogues, publishing briefing notes, and providing policy and legislative supplements
- Promoting civic priorities by holding events to raise awareness of civic interests

Membership of the forum is open to societal groups in the broadest sense, including: business organisations, community councils, religious groups, trades unions, voluntary sector organisations and professional associations. Importantly, membership is closed to local authorities, political parties, government agencies, individuals and for-profit companies. The Civic Forum currently has a large cross-cutting membership of about 650 organisations. In undertaking its tasks the Civic Forum operates according to a set of key principles, namely that:

- The Civic Forum should be complementary to the role of the Parliament and Executive
- It should also be independent from government
- It should act as a gateway, not a gatekeeper, and in a flexible and transparent manner
- Its role should be facilitative and encourage debate
- Membership should include previously excluded groups.

The London Civic Forum

The London Civic Forum was launched in September 2000 in order to reflect the Mayor of London’s ‘determination to introduce the most open, accessible and inclusive style of government ever seen in the UK’ (London Civic Forum, 2000). The Forum is registered as a company with charitable status and is funded primarily by member subscriptions. It is also looking to secure match-funding from the GLA equivalent to that offered by the Scottish Executive to the Scottish Civic Forum. As a membership organisation the Forum represents a cross-section of organisations in the capital, including private businesses, public services and institutions, voluntary and community organisations, black and ethnic communities and faith communities. The London Civic Forum has over 700 members and aims to reach 2000 representatives by March 2003 (London Civic Forum, 2000). It organises its work around five sections, with members self-selecting which section they wish to belong to. Each section then provides an electoral college which elects ten representatives to form the Civic Forum Council and a further two representatives for the Executive Committee. These bodies are charged with driving forward the work of the Forum.

In much the same way as the Scottish Civic Forum, the London Forum aims to engage civic society and forward its views using various methods:

- As an independent and inclusive consultary body, it can draw on a broad range of knowledge and expertise that it uses to advise the Mayor and GLA Assembly
- It monitors the effectiveness of the GLA to ensure that the views of civil society are heard and implemented in its work

- It encourages and facilitates cross-sectoral partnerships
- It acts as a catalyst for civic engagement and the promotion of civic entrepreneurship by providing policy debates and arenas for discussion amongst excluded groups.

In carrying out these functions the London Civic Forum operates to a set of guiding principles, many of which reflect those of the Scottish Civic Forum i.e.:

- The Forum must act as a gateway and not a gatekeeper for civic participation
- The Forum must be seen as complementary to the work of the GLA Assembly, as opposed to adversarial, and in so doing support the scrutiny role of the Assembly
- Flexibility and openness are key elements of the structure and operation of the London Civic Forum
- The work of the Forum should not replace the work of individual organisations but should be seen as an additional means of engagement

The Northern Ireland Civic Forum

The Northern Ireland Civic Forum was detailed in the 1998 Belfast Agreement and held its first meeting in October 2000. As a statutory body the Forum has a prescribed role i.e. 'to act as a consultative mechanism on social, economic and cultural issues' (Belfast Agreement, para34). At the first meeting the Forum was hailed as 'providing this administration with the opportunity to seek the views of civic society on key issues, which will impact on the people in our community' (David Trimble, 2000). It was also claimed that 'the establishment of the Civic Forum is aimed at enhancing participative democracy. It is about finding new ways to open up dialogue, raising awareness and stimulating debate' (S. Mallon, 2000). Overall, there was agreement that the Forum offered the opportunity to challenge the status quo and to find better ways of doing things.

Membership of the Forum was also set out in the Belfast Agreement. The forum is to be a consultative body comprising representatives of businesses, trades unions, voluntary sector organisations and any other sectors that the First Minister and Deputy First Minister considered appropriate. Nominations from the different sectors had to be approved by the First and Deputy First Ministers and the total membership could not exceed the 60 prescribed in the Agreement, plus one chairperson. The total number of representatives was compiled as follows: business 7, agriculture 3, trades unions 7, voluntary and community groups 18, churches 5, culture groups 4, arts and sports 4, victims 2, community relations 2, education 2 and 6 nominees from the First and Deputy First Minister.

The Forum operates under the auspices of the Office of the First Minister and Deputy First Minister, which provides all the administrative support and operating expenses. The work areas of the Forum are divided primarily into four main concerns i.e. anti-poverty measures, lifelong learning, the creation of a plural society and sustainability.

Welsh Partnership Councils

Partnership Councils in Wales are statutory bodies through which the Welsh Assembly interacts with three specific sectors: local government, the voluntary sector and the business community. The aim of the Councils is to share objectives and discuss complimentary programmes of action between the Assembly and each of the sectors. At a general level the Councils meet quarterly and divide their workloads into working groups that discuss a range of shared tasks.

Using the Local Government Partnership Council as an example, the role of the Council is:

- To give advice to the Assembly on matters affecting the exercise of the Assembly's functions
- To make representations to the Assembly on any issue affecting those involved in local government in Wales
- To give advice to those involved in local government in Wales

Membership on the Local Government Partnership Council includes twenty six members, with local government representatives drawn from the Welsh Local Government Association, representatives of all the parties in the Assembly, plus representatives from the police and fire authorities, local community councils and the National Parks Authority. The partnership councils thus have a generally more closed and sector

specific membership than the Civic Forums in Scotland and London. However, they do have a statutory consultative role, which the Civic Forums do not, with the exception of Northern Ireland.

The Partnership Councils are consulted during the drafting of the Assemblies three year Strategic Plan. Once the plan is agreed, the Assembly develops an agreement with local government detailing policy goals and key indicators and this framework is considered and monitored by the Partnership Council. These policy agreements between the Assembly and local governments include maximum discretion for local authorities on how to spend the money allocated to them.

The Voluntary Sector Partnership Council undertakes the same aims but in relation to the voluntary sector, and its members similarly include a mix of eleven Assembly Members, three representatives drawn from the Wales Council for Voluntary Action and twenty one sectoral representatives.

