

the **solace** guide to
decision making
and the **Art** of giving
advice

Herbert Morrison (right) offers advice at the 1955 General Election

By **Barry Quirk**



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At this year's annual SOLACE dinner the Local Government Minister, John Healey, spoke about the key role of chief executives working alongside locally elected politicians.

"There is too much cross-dressing in local government", he joked: by this he meant that some politicians act more as managers; and some managers appear more as politicians.

He described chief executives as "implementors" of policy that is "made" by politicians. As a shorthand description in a brief speech this makes the right point – but what is needed is a comprehensive account of the respective roles of elected politicians and appointed managers. It would be too simplistic to leave the description at the summary statement that "politicians decide and managers implement". As one chief executive commented to me on the night, "we don't just implement, we advise as well; my role is more than making sure that there are glasses of water at the meeting and that members declare their interests".

In local government, a lot of "decisions" are necessarily and rightly delegated to managers. And when politicians make decisions in local government, they do so based on the advice of managers. In this sense, managers don't just "do"; they provide best advice on what should be done. What's more, they not only advise the politicians who determine policy (the Mayor or the Leader & Cabinet, and the committees of the Council) they also advise those politicians who scrutinise executive decisions and the actions that flow from them.

John Healey is right to point to the many cases of confusion in local government – with managers and politicians appearing to stray (either aimlessly or purposefully) into one another's areas. In my experience there are just as many managers and professionals stealing public interest decisions from politicians, as there are politicians treading in managerial territory. So is there a correct approach or can Councils simply develop their arrangements themselves? How do we ensure that the right people do the right things? How do we ensure that Councils have effective relationships between their management and governance arrangements? Having good systems helps: but people and personalities make up organisations, not systems. A good working relationship between politicians and managers in local government is not the product of a code; it is the function of relations that are "up close and personal" but also respectful, courteous and trusting. Given this, we need to be clear about decision-making and advice-giving roles; and we need to be clear about our personal responsibility for our conduct in the performance of these roles.

This has become important as many Councils have constitutions which enable individual Cabinet members to have significant decision-making powers and because, in some instances, past conventions about professional advice-giving and political decision making have been eroded if not forgotten. Furthermore, Part 16 of the new Local Government & Public Involvement in Health Act, which is soon to be effective, allows Councils to introduce arrangements where individual councillors can make decisions (on delegated matters) in their local ward without the benefit of formal advice, albeit subject to formal scrutiny.

Quite rightly, the Act provides no details on how decisions ought to be made – that should be in the subsequent guidance on good decision-making practice. And so at present there is no requirement for Member-level decisions (within Cabinets or within their wards) to be taken on the basis of formal papers nor is there a requirement for an officer to be present when the decision is made. Instead the Member is required to produce a written record of the decision and to require their Council to make it available. The Act even implies that the Member may also have the power to implement the decision. Given the vagueness, and the potential for ambiguity (if not impropriety), of these provisions it is best for Councils to formalise with care new approaches for individual Member decision making in their Constitutions. It is my view that Councils ought to ensure that all elected Members make decisions on the basis of written advice. This would protect Members and the Council in the event of legal challenge and assure the integrity of Councils' overall decision making.

Single member decision making requires special considerations from those providing advice. We have given this issue a lot of attention in Lewisham. Our Mayor, Sir Steve Bullock, is especially mindful of the need to get the most comprehensive and best advice on issues from every angle. Decisions are made "in the round", in public, on the basis of written professional advice from officers and with the benefit of the considered views of his Cabinet on the community and wider implications of the advice given. There are often differences of professional and managerial views on complex policy issues and on matters of policy implementation. And therefore on very many issues Mayors (and any elected single decision makers) require plural and diverse advice from officers. Achieving this requires a mature approach from officers and Members alike.

Old hands at advice giving sometimes cynically refer to the three styles for providing advice. First, is the "light the blue touch paper and retire" approach. In this approach there is only one option presented. Sometimes this is presented by servile officers on the basis that this is the option that Members want. On other occasions it is presented regardless of its acceptability to the decision maker.

Second, is the "on the one hand and on the other hand" approach. This is a very common form of advice where two options are presented with an equal balance of pros and cons. The presentation of two options may indicate that the advice givers are unable to make up their own minds or that they prefer to

describe every issue as a dichotomy. Alternatively, two options may be presented to the decision maker in acknowledgment that a political choice has to be made between two options that can be equally justified.

Finally, there is the “Goldilocks” approach. In this approach the advice giver outlines a number of options (usually three – one a bit sour, one a bit sweet, and one “just right”) within an evaluative framework that cleverly leads the decision maker to conclude that there is only one sensible option. In my experience, approaches to providing advice which are either manipulative or self serving usually ends in tears (for the decision maker and for the advice giver).

But decision makers want to avoid tears. They want advice in order to better cope with the uncertainties of the future - and oddly, the need for advice increases the less likely it is to be accurate or welcome. It is also a little odd that no one can advise us with certainty whether it is going to rain next Thursday but we are prepared to spend fortunes seeking advice on longer range matters that have infinitely less likelihood of being proved right or wrong. We should perhaps remember the lessons of Y2K!

Decision science is a new and growing multi-disciplinary domain of knowledge that involves psychology, logic, economics, politics, artificial intelligence and evolutionary theory. In short, we are discovering that the personality and perspective of the decision maker is crucial, so too is the immediate context in which the decision is made; as is the wider frame of influences on the advice giver and the decision maker.

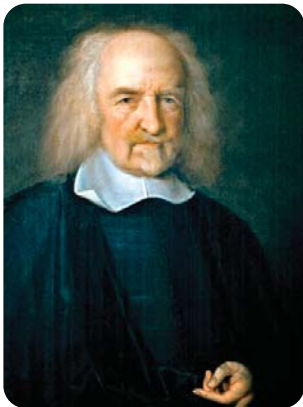
Bold decision makers want good advice to maximise the chances of their decisions being proved right; while nervous decision makers are anxious that they get good advice to minimise the chances of their decisions being proved wrong. And both the micro-context and macro-framework in which decisions are made have subtle influences on the nature of the decisions that are made as well as the advice that is given.

The tendency for public action to avoid cautious advice has been argued for hundreds if not thousands of years. In 1628, Thomas Hobbes summarised the decay of Athenian democracy as set out in 400 BC by Thucydides:

“In those days it was impossible for any man to give good and profitable counsel for the commonwealth, and not incur the displeasure of the people.

For their opinion was such of their own power, and of the facility of achieving whatsoever action they undertook, that such men only swayed the assemblies, and were esteemed wise and good commonwealths men, as did put them upon the most dangerous and desperate enterprises.

Whereas he that gave them temperate and discreet advice, was thought a coward, or not to understand, or else to malign their power. And no marvel: for much



Thomas Hobbes 1588-1679

prosperity (to which they had now for many years been accustomed) maketh men in love with themselves; and it is hard for any man to love that counsel which maketh him love himself the less.

And it holdeth much more in a multitude, than in one man. For a man that reasoneth with himself, will not be ashamed to admit of timorous suggestions in his business, that he may the stronglier provide; but in public deliberations before a multitude, fear (which for the most part adviseth well, though it execute not so) seldom or never sheweth itself or is admitted.

By this means it came to pass amongst the Athenians, who thought they were able to do anything, that wicked men and flatterers drave them headlong into those actions that were to ruin them; and the good men either durst not oppose, or if they did, undid themselves."

The cycle of power, flattery and failure that comes from dysfunctional advice giving is a lesson to all in public life – whether at the national or the local level. Advice giving in pursuit of public action needs to be mindful of the macro-framework in which decisions are being made as well as the micro-context in which the decision maker is operating but above all it needs to be soundly based on independent judgement.

In the particular field of local government decision making, in my view it is best if advice givers try to present a range of feasible options to the decision maker; together with an evaluation of their likely efficacy and the three key "abilities" - deliverability, affordability and sustainability. But this is sometimes easier said than done. Options may be utterly incommensurable. It may not be feasible to adopt a common basis for comparing one option with another – less a case of apples and pears; more a case of comparing Bach with Beckham.

After all, local government has varied and sometimes contrary purposes. And the purpose of politics is to compromise between differing ends and choose between differing means. Advice givers should therefore avoid drawing false comparisons between incomparable purposes: stealing the politics out of the issue. And they should also avoid giving a falsely coherent line of corporate advice ("sorting out" fundamental differences between varied advice givers). Moreover, decision makers will often want to hear the direct views of the public on an issue and not simply rely on the assessments of professional advisors. It is therefore critical to create a safe space for service users and the public to give voice to decision makers.

In local government, officials are responsible for ensuring that decision makers receive relevant, appropriate, reliable, professional and objective advice. Moreover, it is essential that advice is proffered without fear or favour. Some people, managers as well as politicians, seek advice they want to hear. History tells us that they usually end up in a cul-de-sac of their own false conclusions. This issue was not just understood by Thomas Hobbes 400 years ago. In the 1930s when the

Labour Party first won control of the London County Council, Herbert Morrison thought that the officials at County Hall would be anxious about how they would work with their new political masters. This is what he wrote to them in a note:

“The Council and its committees decide policy, and it is for you loyally to carry it out, but I don't wish you to feel that you are merely the servile instruments of one political party. You are the servants of the Council and of the people of London. This is your traditional role. I don't know your politics, and I don't want to know. At all times in your reports say what you believe to be the truth; don't play up to either political party. Give the facts and if you make recommendations let them come out of the facts. There is a standing order whereby chairmen may delay your reports for a short period. I want chairmen to listen to you, and I want you to listen to them, but at the end of it all present the reports you believe to be right. Discussion, yes, but I do not wish to coerce you, nor will chairmen of committees. So report the facts and conclusions as you see them, and we'll do what we like. Your views will be taken into account, but always on the basis that it is for the Council and its committees to decide.”

This masterly note presents the issues more fairly and more clearly than most commentators could describe 70 years later! It also points to the real need for formal relations and, sometimes, robust if professional exchanges between decision makers and their advisors.

In orchestrating advice in local government we need to recognise three different types of advice giving. First, is the expert specialist advice on issues that are service-based or specific to certain needs. Second, is the general advice on the legal, managerial, financial and longer-term resource implications of any specific issue. This second set of advice is intended to ensure that decisions are made corporately and coherently and that they align with the Council's broad policy and budgetary priorities and its sustainable community strategy. Third, elected Members (either those in the executive or those with a scrutiny role) may require officers to offer “trusted advice” on given subjects or issues.

The distinction between a specialist advisor and a “trusted advisor” is one that has developed in professional consulting. Specialist advisors provide information on particular services and needs. They may also provide explanations of business problems and how they might best be solved. By contrast, trusted advisors offer advice across a broader set of business issues and with a deeper understanding of the client's (in our instance, elected Members) needs.

That is why the role of chief executives and senior managers in local government is, at some times, more akin to the trusted advisor. A trusted advisor is not a political advisor. A trusted advisor is not a confidant. And a trusted advisor provides advice to all Members irrespective of party and does not seek to build or aid party advantage. Of course, they need to establish a specific trust and confidence with their Mayor/Leader and Cabinet about progressing the forward agenda of the Council. But it is crucial that they also build a wider trust and

confidence with all elected Members (well at least with an overwhelming majority).

In a recent paper, Professor George Jones makes a related point when he distinguishes between service experts or “technocrats” and corporate officers or “topocrats” (from the Greek “topos” meaning place). He recognises that Members need to rely on best professional advice from service experts. But he also warns that these service experts may owe their fidelity to their professional domain and they may also slip easily from service policy advisors to being simple service policy advocates. These experts may fail to see the Council’s overall task of deciding between competing priorities and choosing between competing claims for public resources and political attention. According to George Jones, chief executives and corporate staff act as “topocrats”. He suggests that their role requires them to have a loyalty to place rather than to professional domains or specialism and thereby they offer a potentially important line of advice to politicians when they are deciding matters in the wider public interest.

If that is a framework for the art of giving advice; perhaps there is a prior question. Whose decision is it? Is the subject something best decided by elected politicians or by professional experts? Unfortunately, this question has no universally true answer.

What may be sensible in some Councils may not be sensible in others. Democratic institutions are based on the authority of the people in determining public interest questions. These inevitably involve value judgements; they do not centre on simple matters of fact. The colour of the carpet in the committee rooms may seem a trivial and operational question. But in some places where colours symbolise tribal, ethnic, religious or cultural identities, such questions may be quintessentially political because they raise issues of fairness and ethics. But thankfully, in most Councils in England the colour of the carpet is not usually the most ethically contested subject.

The issue of whether vexed public interest decisions are best made by politicians or professionals has been under some recent public discussion in respect of the classification of drugs for purposes of criminal prosecution (specifically, whether Cannabis should be a class B or a class C drug). From time to time the contrasting perspectives of elected politicians and professionals on some contested subject becomes a topic of public debate. Often these debates falsely claim that most politicians are on one side of the argument while most professionals are on the other side. And the line is then re-drawn between whether a decision is best made by a politician or by a professional.

The best example of the re-drawing of this line was the decision made in 1997 to grant independence to the Bank of England in the setting of interest rates. But it is raised every now and then when another hot topic hits the headlines. For example, during the latter part of 2005 there was a lot of negative coverage about



a small number of people on the sex offenders' register who were nonetheless teaching in schools – apparently, they had been cleared to work in schools by Ministers after proper consideration of their cases. To stem the rising public disquiet on this issue, Ruth Kelly, then Secretary of State for Education, set up an independent committee to review past cases rather than continue with the issue being subject to Ministerial decision. This brought criticism from Michael Portillo (Sunday Times, 22 January 2006) who argued that judgements made by people who are not accountable can be disastrous and irreversible.

Portillo's argument was that when politicians have a conflict of interest (such as when setting interest rates at the time of a by-election) they should not be involved. But that generally, people who are accountable to the public directly should make public interest decisions. The strength of his argument is that it places public accountability at the centre of the debate. The weakness in his argument, when applied to local government, is that far too few local politicians can reasonably claim to have the same degree of direct public accountability as Government Ministers. They may have a similar level of electoral mandate (directly elected in one locality and then making decisions across many localities) but they seldom have the same degree of exposure to public scrutiny. By contrast, elected Mayors with both a direct mandate and a high visibility can arguably claim a more powerful and authentic accountability.

So the key to public interest decisions locally is not deciding who makes the decisions but guaranteeing that whoever makes them is genuinely accountable. That is why politicians need continually to renew and deepen their own accountability. And it is why professionals and public managers (such as chief executives) should seek to deepen their own public accountability by making their views and advice publicly available rather than simply hiding behind the accountability of their political masters. This is the key difference between local government officials and civil servants. The primacy of Ministerial accountability to Parliament cloaks the advice giving of civil servants. By contrast, local government officers advise the executive and scrutiny in the public domain and hence, unlike their Whitehall counterparts, are required to have a constitutional personality.

In local government, accountability is not assured through the transparency of decision making (although this helps) but through the disclosure of advice giving. Transparency works when people look in the right places: disclosure means they don't need to go looking.

- 1 Thomas Hobbes quote, p145 in Blackburn S (2006) *Plato's Republic*, Atlantic, London
- 2 Morrison H (1960) *Herbert Morrison: an autobiography*, Odhams
- 3 Maister D et al (2002) *The Trusted Advisor*, Simon & Schuster
- 4 Jones G (2008) *The Future of Local Government: has it one?*, PPMA



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