

The Civic Square and the Public Triangle

Barry Quirk

*Chief Executive, LB Lewisham, and
Associate, Institute for Government*



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Foreword

How to engage the public in often tricky decisions is one of the main challenges facing both elected politicians and officials. The current unprecedented austerity – both in length and depth – has forced those delivering public services to consider fundamental changes. These cannot be achieved by appealing just to a mandate or to expertise – they require the full involvement of local residents.

No one is better placed to reflect on these challenges than Barry Quirk, the chief executive of the London Borough of Lewisham, and an associate of the Institute for Government, who has written and lectured extensively on the problems facing the public sector.

He argues that public dialogue is needed for all issues facing government – through what he calls the ‘civic square’. This is not just about community meetings, nor ‘stakeholder’ events, nor even developing social media. Dialogue, he argues, can only be achieved through deliberation, discussion and learning together.

There are, as always with deliberative democracy, many questions about who is involved in such dialogue – does it reach all groups of citizens or merely the most articulate and active? However, this paper opens up an important debate about how decisions can, and should, be taken about reshaping public services and the state in the years ahead. Barry Quirk rightly takes this debate out of not only Whitehall but also the Town Hall.

A handwritten signature in black ink that reads "PJR Riddell" followed by a horizontal line and a small dash.

The Rt Hon Peter Riddell

Director, Institute for Government

About the author

Barry Quirk has been the chief executive of a large and successful inner London borough (Lewisham) since 1994. Barry served as a non-executive director on the board of HM Revenue & Customs (from 2002-06). He was an independent member of two capability reviews of HM Treasury (in 2001 and 2008). For five years to 2009, Barry was appointed by government to be the national efficiency champion for local government. In 2007 he produced a landmark report for government on the potential transfer of public assets to the community.

Barry has experience of managing 20 different elections using five different electoral systems. He has a PhD in political and social geography and is an author and regular lecturer on localism, public policy and public management.

About our InsideOUT series

There is little systematic attempt to capture the knowledge and insights of people who have worked closely with government and share them with a wider audience. The Institute for Government is keen to remedy that. Our InsideOUT series gives people with an interesting perspective on government effectiveness an opportunity to share their personal views on a topic that sheds light on one of the Institute's core themes. The Institute for Government is pleased to be able to provide a platform to contribute to public knowledge and debate, but the views expressed are those of the author.

The Civic Square and the Public Triangle

We are in the early stages of reshaping the British state. The purposes, the scope and the scale of the state were designed in the late 19th and mid-20th century. We are now trying to re-imagine them so that they can meet the radically different needs of the 21st century. The scale of government indebtedness has heralded an era of public austerity but, in the second decade of the 21st century, the issue is not simply the size of the state – but its very purpose. This is not a question of re-scoping the public sector but of refreshing the very character of public governance. Five years after the 2008 crash, households have aggressively adjusted their spending, their saving and their appetite for debt. The nation's economic prospects are beginning to emerge from the gloom, but consumer spending and real incomes have slumped even by comparison with previous recessions.¹ This is no short-term transition. Indeed, it is likely to be generational rather than a transition managed through one or two terms of a parliament.

Reshaping a well-functioning and highly legitimate state would itself be a challenge. But this is made doubly difficult when many state services are insufficiently competent for the modern age, and when those governing and leading them are subject to continual questioning of their legitimacy to choose and act on the public's behalf. Securing the public's trust in the competence of public institutions and their confidence in the legitimacy of those who lead them is a primary and first-order challenge. In a sense, the public sector faces a twin crisis of competence and legitimacy. A lot of attention is rightly paid to the variable competence of public institutions, and this has produced a strong literature on success and failure in public service delivery. But the very real challenge faced in improving the legitimacy of public agencies often goes unmentioned.

This paper offers a basis for addressing this gap. It offers two simple concepts for public servants (whether elected or appointed) to use in their work. These concepts offer answers to the following questions. First, how do public agencies build the right *arena* to engage the public in open discussion about public problems? And second, what is the best way to *approach* public dialogue so as to arrive at properly considered public choices? The suggestion here is that each public policy problem needs to have its own specially designed *Civic Square*, and that if public dialogue is to be effective in that square it needs to be approached by use of a *Public Triangle*. This paper offers a general route map for building a *Civic Square* and for navigating the *Public Triangle*.

The Civic Square – an arena, a stage or a place in which public dialogue occurs about complex public policy problems. An arena created by public authorities to support comprehensive public dialogue on changes to public infrastructure, public goods, public services and public problems.

The Public Triangle – a framework for supporting public dialogue. This ensures a focus on the three points of the triangle; these are the three key questions for addressing any complex public problem. First, what is the 'public interest'? Second, how is 'public value' best realised? And third, what are the demands of 'public reason' in resolving this problem?

Public agencies cannot command the public to have trust and confidence in them; they can only try to act trustworthily. And an aspect of trustworthiness is the extent to which public agencies build legitimacy into their actions. In the liberal democracies of the modern world, the legitimacy of governments and public agencies is subject to heavy corrosion. Expertise and traditional authority have long since lost their power to confer legitimacy on political institutions.² And while some point to a downward trend in partisanship, recent research indicates that interest in politics has increased and also that a sense of personal political efficacy is increasing.³ Our era of 24/7 social media and daily polling reports renders citizen consent perpetually open to question and to claim and counter-claim.

Too often public legitimacy becomes reduced to procedural questions – about how people were consulted about a proposed public action. Procedural fairness is vital in public policy but it is not everything. Operating with fairness and a reasonably high degree of consent are two of the key criteria for public agencies. These agencies need to improve their ethics if they are to improve their effectiveness. In short, while they must 'be good, to do good', the purpose of being good is to do good; there is little point in being procedurally fair and just in order to do nothing. Public legitimacy stems not just from procedure but from the perception that action has major public benefits. Action, of the right sort, amplifies legitimacy. The challenge is deciding what is right.

Imagine for a moment that you are charged, as a public servant, with lowering the cost of your public agency (and the services it delivers) by no less than 50% over three years; or imagine that you are responsible for implementing a major piece of national infrastructure, which has many stakeholders but even more opponents. How would you go about it? Who would you engage? Whose interests would you want to listen to and take into account? How would you balance the requirement to meet existing needs with the preferences of new generations of public service users? How could you ensure that the service or facility once redesigned offered the best feasible value to the public? And how would you make sure that the approach you were adopting and the processes that you used were open to effective public enquiry and scrutiny?

When it comes to public questions it is not sensible for anyone's perspective to be excluded. Should this Victorian building that houses various local community activities be maintained and subsidised at public expense? Should this parkland be used for residential development? Should this service for those with acute needs be completely sustained while other amenity services to the wider public are dramatically cut? Should substantial capital investment be made in this new school when other existing schools urgently need maintenance and investment? How should the special interests of a social club be balanced with the general needs of a broader community in the use of the same facility? And so on and so forth.

What's more, the character of these vexed questions varies from place to place. The issue of car parking is a problem in central London; it is also a challenge along the beaches of Cornwall. However, balancing the interests of car-borne visitors and local residents is less of a concern in most of exurban or rural England. Whether to burn our non-recycled rubbish in a local incinerator is the hottest topic in some places, whereas other communities are much more anxious about tackling crime and antisocial behaviour, or attracting inward investment for economic growth and jobs.

The voices that need to be heard in the *Civic Square* depend on the historical and geographical context of place and locality as well as on the character of the public service, its public function or the nature of the public problem concerned. A building or facility may honour some aspect of local heritage or it may act as a blight on the local landscape. Indeed, the same building or facility may be viewed as being both at the same time. The same applies to services. A service may be incredibly highly valued by its users or it may be entirely irrelevant to new and emerging needs. And again, it may be viewed as being both at the same time. Furthermore, a facility or a service could be a source or site of tension between very different interest groups in a locality. Their perspectives on the future of the facility or the service could more closely reflect their stance towards this tension rather than their view of the facility or service itself.

Given these possible quandaries, how can we develop an approach where all voices are respected and heard when discussing a public problem or deciding the future of a public service? This paper suggests that each public policy problem needs its own *Civic Square*. This is an arena that forces public agencies to engage with everyone, an arena in which all voices are to be heard, an arena in which differing and sometimes competing interests are listened to and heard in a climate of respectful enquiry.

The *Civic Square*

It would be wrong to assume that managing the *Civic Square* is the same as 'stakeholder management' or 'public consultation'. Stakeholder management is a strategic process used within businesses to (1) identify and catalogue interested parties who are either internal or external to the business; (2) draw a map of these stakeholders so as to visualise their relations to the business; (3) perform a stakeholder analysis of their needs and preferences in respect of the business; (4) outline a stakeholder matrix to clarify their level of influence and impact on the business; and, finally (5), devise a stakeholder engagement and communication strategy to better involve and inform the stakeholders in the success of the business.

Stakeholder management is a sound tool for public agencies but as with all tools it needs to be used wisely. At its worst, stakeholder management can be highly manipulative and self-serving, while at its best it can be refreshingly collaborative and result in organisations becoming more outward facing. The best public institutions will have excellent arrangements in place for effective stakeholder relationship management.⁴ But these arrangements will not be the same as enabling and empowering public dialogues in their *Civic Square*.

It would also be wrong to assume that managing the *Civic Square* is the same as public consultation. A key tool for public agencies, consultation plays a role in supporting public dialogue but it has inherent limitations. Done well, service user consultation and citizen engagement are important in developing responsive changes to public services that have wide public acceptance. However, the fear of legal challenge to changes in public service provision can act to freeze public authorities into a legally defensive approach to consultation. When this occurs they may then consult those with legally defined 'legitimate expectations' of the service in an overly formulaic manner so as to defend robustly their subsequent decision, rather than seek to discover through open-ended discussions new ways of doing things. This style of consulting, unsurprisingly, leads to as many arguments about the genuineness and sincerity of the process as about the nature of the proposals themselves.

In 1969 the American public policy analyst Sherry Arnstein published a landmark article about the 'ladder of citizen participation'.⁵ This was intended to help community activists understand the varied motivations of public authorities when engaging citizens. Among other things, she differentiated between styles of citizen participation that led to more citizen power over public action, and those that involved tokenistic manipulation of public opinion by public authorities. Public servants need to reflect on Arnstein's insights and acknowledge that discussions in their *Civic Square* will always involve much scepticism about the motives of others – particularly of those with more power. Better to accept that reality than pretend it isn't so.

Some public agencies will want to build a *Civic Square* to enable public dialogue but may lack credibility in the eyes of the public. It is important to recognise this at the outset. One way forward would be for the agency to engage an independent non-profit organisation or another, more favourably viewed public agency to be the orchestrator of the dialogue. This is common among those local councils with experience of organising citizens' juries or citizens' panels. For example, fire commanders and directors of public health are often sought to act as neutral orchestrators of public issues at the local level. This is because they carry the least baggage with the public and tend therefore to be viewed more favourably as unbiased public practitioners.

The key feature of the wider *Civic Square* is that no one is excluded from speaking – it needs to be an arena that is open to all.⁶ The *Civic Square* ought not to be a place for a closed discussion between invited participants; say, between service users and service providers. Closed discussions between interested parties may well be necessary but they are not the same as an open dialogue in the *Civic Square*. For when the issue at stake is a public issue, all voices need to be heard. This is because public issues are not just about who pays and who gains in the short term, but about choosing the future direction of a society, a community or a locality over the longer term.

The participants in the *Civic Square*

At the centre of the *Civic Square* are those elected politicians and their key advisers who have executive responsibility for the immediate direction of public policy. In central government they are ministers, their advisers and the senior civil servants at the head of large departments of state. In local government they are leaders, mayors, cabinet members and senior local government officials. Much has been written about how these individuals can operate more effectively together. Some suggest more formal accountability mechanisms (such as fixed tenures, performance contracts and so on). Others suggest better informal means of creating 'guiding coalitions' of critical change.

Too little attention has been paid to how this group of public executives need to engage with wider political actors and with greater numbers of public servants. The failure of public leadership is sometimes because a political elite fails to carry the public with them; more often it is because they fail to carry the majority of other political actors with them. Likewise, the failure of public agencies is sometimes because the managers charged with leading them are pursuing a failed strategy; more often it is because they fail to align the talents and the efforts of their staff to deliver positive service outcomes. Failing organisational cultures are usually at fault in the worst-performing schools, hospitals, police forces or councils. It is seldom poor strategy.

But the direction and scope of public action ought not to arise from a closed discussion among those with an internal stake in the state: elected politicians and public employees. The direction and scope of public action affects everybody. Deciding on the 'right amount' of public action in any area of public life (from intervening in banking activity to intervening in family life) is a task in which everyone is potentially to be involved.

The parties to dialogue will include service users, taxpayers, citizens, service providers (whether private, state or voluntary sector providers), businesses, the media and elected politicians. The degree to which user or taxpayer interests are brought forward depends on the issue at stake. Does it involve large public infrastructure investment, such as a new bridge, tunnel, railway line or road? Does it involve radical changes to existing infrastructure and service delivery, such as hospital reconfiguration or school reorganisation, or substantial reductions in long-held service standards? And does it involve changes in the balance of who pays (between all taxpayers, local taxpayers and service users) for the infrastructure or service?

In some instances the beneficiaries of a public investment are obvious and clear; indeed, the intended beneficiaries may well be lobbying for the investment or the new service. But in other instances the beneficiaries may be impossible to identify. They may be a future generation of users of the infrastructure or service, who have yet to articulate their needs and preferences. But while future beneficiaries may not voice their views, those who feel that they stand to lose out, or who believe that they will have to pay a disproportionate cost (or bear a disproportionate loss), are likely to be freer and more vocal in their views. This asymmetry is well known among those who are charged with implementing any significant change.

There is nothing more difficult to take in hand, more perilous to conduct or more uncertain in its success, than to take a lead in the introduction of a new order of things. Because the innovator has for his enemies all those who did well under the old conditions, and lukewarm defenders in those who may do well under the new.

Machiavelli, The Prince⁷

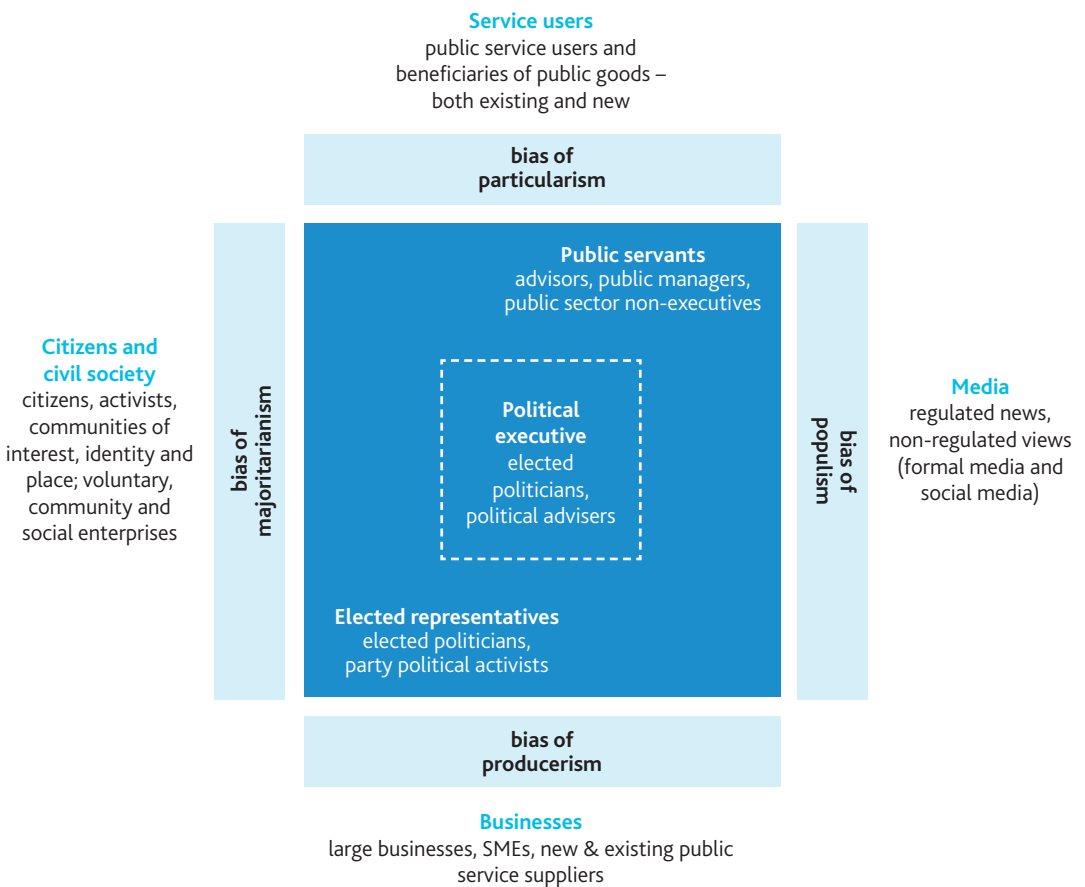
But given that 'the old order of things' may not be sustainable and that radical change in the purposes, shape and scope of some public services may be required, what is the best method for encouraging debate in the *Civic Square* among people, regardless of whether they are dogged defenders of the old order or lukewarm seekers of a new order?

Diagram 1 depicts the different groups that need to be engaged in public dialogue within the *Civic Square*. Each group brings many diverse perspectives and experiences. There will be variety in the views of businesses just as there is variety in the views of civil society actors. Different techniques and approaches are needed to engage those groups in different sides of the *Civic Square*. For example, when trying to involve service users in the discussion about the future of a public service, it is important to perform a customer segmentation analysis so that a variety of views can emerge from different types of service user.

When engaging citizens and civil society more generally, it is also important that techniques adopted encourage a diversity of opinion. A plethora of deliberative techniques (community 'open space' conferencing, deliberative polling, citizens' panels and citizens' juries) can be linked to 'at large' and direct approaches (such as referendums, ballot initiatives and so on) that can serve to crystallise opinion among different activist groups across civil society. Just as there is variety among service users and citizens, so too there is variety across businesses. The 'business community' is as diverse as any other community. Empowering the voice of all business interests (whether they be owners, managers, employers or workers) is important.

Moreover, each group has its own inherently distinctive biases. The purpose of making these biases explicit is not to suggest that public servants should seek to minimise them. The idea is that public servants should try to ensure that no set of interests dominate public dialogue and that the inevitable biases become more evident and considered. Obviously, in any one instance, the precise way in which the *Civic Square* ought to be devised depends on the public problem (service or project) being examined. What is shown below is an ideal type. The precise nature of the arena that is built would depend on the topic in question.

Diagram 1: The Civic Square



There are lots of really positive reasons why, say, service users and citizens groups should be engaged in dialogue about service change. So too with the business and civil sectors and the media. There are very many positive consequences of engaging the views and perspectives of all groups of interests. It is only when a balanced approach is adopted that better public dialogue occurs – about who gains, who loses, who pays and how the public interest is best served by investing public money, allocating public resources or reshaping public services.

At the centre of the *Civic Square*, elected politicians (and political parties) play a crucial and critical role in leading progressive change and developing positive ideas for the common good. The competition between political ideas and ambitions, as well as the logic and dynamics of incumbency and insurgency, provides the currency of change in public life. Moreover, public officials play a vital role in pursuing and implementing change. But politicians and public servants themselves possess powerful biases. And it would be naive to focus only on the positive roles played by elected politicians and public managers.

Elements of clientelism are evident in the long-run decision making of some politicians, just as elements of careerism are evident in the motives of some public managers. But despite these factors, open competitive democracy is the pulse of the *Civic Square* and the reason why elected politicians occupy a privileged position at the centre – leading, championing, advocating but also listening to the voices of others.

Dialogue in the Civic Square

The subject and style of public dialogue is crucial if creative solutions are to be found to contested public problems. Choose the subject poorly (say, by misdefining the public problem to be solved) and it will be difficult to engage people. Use a poor style of dialogue and people will not want to be involved. The character and nature of public dialogue is not set in stone. It can range from highly informal 'community conversations' or more formalised disputes between competing political parties. Informal 'dialogue among the public' can be little more than the unstructured gossip, rumour and counter-rumour that flows through communities in families, among friends, on streets, in neighbourhoods or over the internet.

An increasing proportion of community-level dialogue is digital and mediated through smartphone-based social platforms. By 2014, it is estimated that more than half of the UK population will be using smartphones daily. The increasing use of text and picture-based platforms such as Twitter, Facebook and Instagram as well as newer, short video-sharing platforms such as Vine, MixBit and Snapchat is beginning to change the character of some cultural practices, influencing politics and everyday life. The pace of these changes is fuelled by technological advances, reductions in cost and the network effects of social media usage which together open up new styles of social media engagement for public agencies.⁸ But the impact of these changes is not entirely progressive or benign. Indeed, one problem that is emerging in current debates is a climate of cyber-utopianism that presumes that dialogue mediated by the internet is inherently egalitarian and more inclusive.⁹

Public policy problems arise from a range of different circumstances. In some cases, the market economy fails to provide services and goods. In others, problems stem from the nature of the goods and services and the extent to which they are genuinely 'public'. Diagram 2 shows how public goods differ from other similar types of goods.¹⁰ The distinctions drawn

out in the diagram are a crucial starting point in those cases where what is disputed is whether something is or is not a public good – a distinction that is seldom clear to the participants in a public dialogue.

On many occasions a dispute occurs simply because there is widespread confusion about whether a facility or a service ‘is’ a public good or whether it ‘ought to be’ a public good. Is this plot of land part of my back garden; a pitch used exclusively by a local rugby club; parkland available to the public for play and recreation during daylight hours; or an open heath available to all for any purpose at any time? Appreciating the distinction between a common-pool resource, a public good, a social (club) good and a private good is an essential starting point for public dialogue.

Diagram 2: Different types of goods

	Excludable	Non-excludable
Rival	Private goods my back garden	Common pool resources the open heath
Non-rival	Social (club) goods rugby club pitch	Public goods a gated public park

The problem of identifying what is a public good can be seen in economists’ theoretical arguments over the conditions necessary to finance lighthouses. Structures such as that on Eddystone Reef, 15 miles south of Plymouth, cost a lot of money to build and no small amount to maintain. This cost may be small relative to the potential loss of lives, ships and cargoes, but it is too high for any one ship to bear. So how should the public good of lighthouses be paid for? If voluntary co-operation does not work, the market fails and lives are lost. To solve this problem, a government may build lighthouses financed from taxation, or it may create a public agency with the right to impose charges to meet the costs. The dispute about whether the state or the market is best placed to finance lighthouses continues in economics, but in Britain, lighthouses are now funded by charging a levy on port users.¹¹

Public problems are usually knotty and complex. Some are novel; others have persisted for generations. Some arise from the interplay of interests and externalities, others from the highly complex way in which social problems arise. Few are amenable to simple optimal solutions crafted by professional experts.¹² And just as few are likely to be solved by the application of a freshly minted idea straight from the policy production line of a think-tank. The hard work is not simply in devising ‘the solution’ but in building the stage on which public dialogue can be conducted to explore different solutions.

One central problem, then, is the style of public dialogue. This is patterned in British culture through programmes such as the BBC’s *Question Time*. This television programme has 2.7 million regular viewers (as opposed to the 410,000 or so members of the top five political

parties in Britain). Politicians who appear to perform well on the programme are those with self-confidence and self-assurance, who rarely stumble or say they are unsure of their facts or views. They also tend to use a declarative speaking style and possess a repertoire of quick and witty put-downs of their co-panellists. This form of dialogue may suit the format for a TV programme; it does not, however, model a style of public dialogue that is plural, inclusive and emergent.

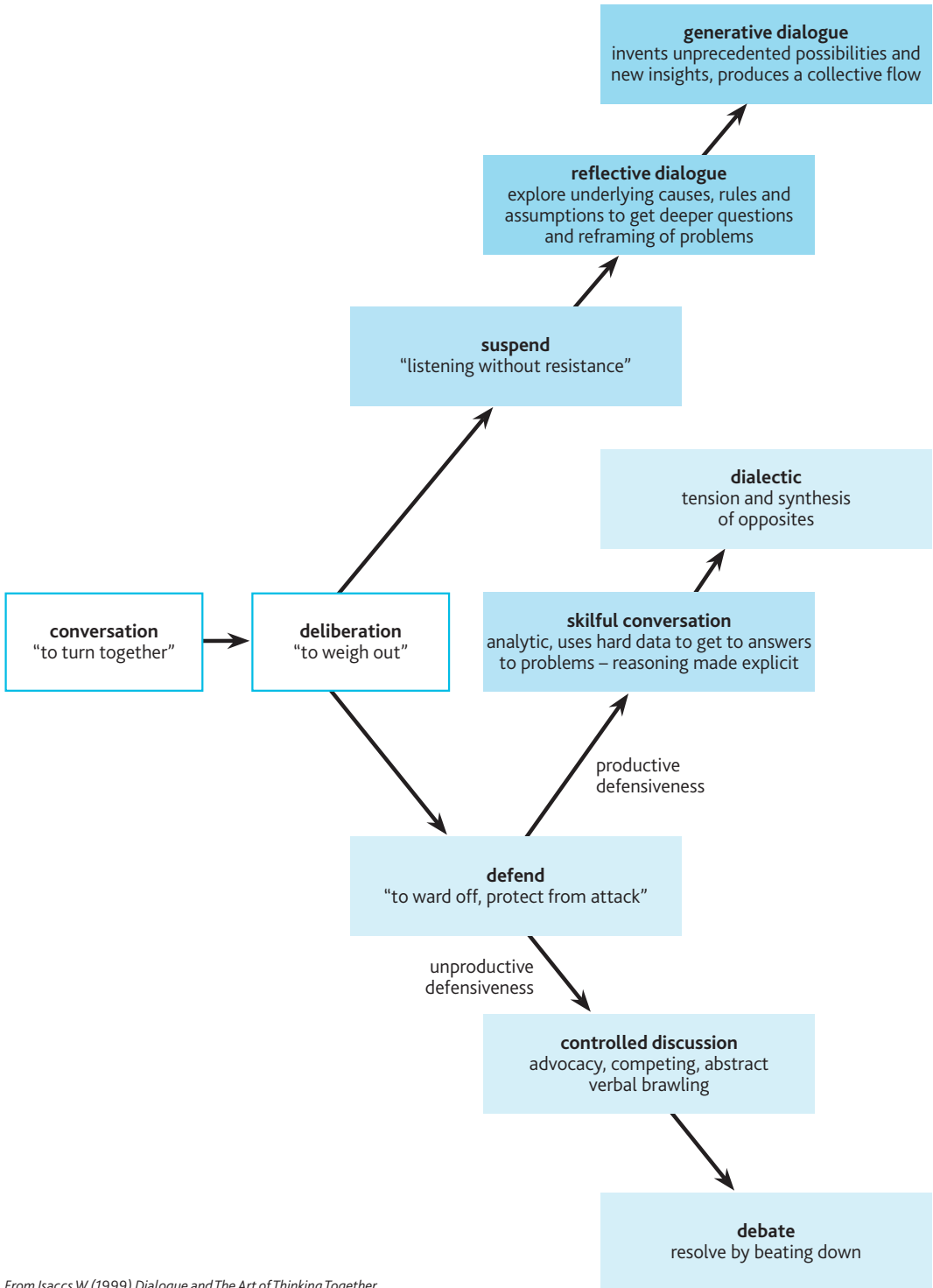
Moreover, as one leading British sociologist puts it: 'Our culture is one that speaks rather than listens. From reality TV to political rallies there is a clamour to be heard, to narrate and gain attention. Consumed and exposed by turns, "reality" is reduced to revelation and voyeurism.'¹³ In this context 'dialogue' is reduced to waiting for one's turn to speak – a sequence of short monologues, rather than conversations and explorative discussions where what is said reflects changing views through genuine dialogue. Therefore, when supporting public dialogue, public agencies need to foster active and reflective listening rather than simply stimulating a cacophony of voices.

The differing styles of available public dialogue are shown in Diagram 3. This is taken from the work of William Isaacs of MIT Sloan School of Management, who saw how an inability to conduct a reasonable dialogue undermines agreements, and that successful dialogue is more than an exchange of views but rather the embracing of different points of view.¹⁴ When conducting public dialogue it will be helpful to use this thinking to attempt to open discussion to an ever wider circle of views and opinions so that more creative solutions to public problems can emerge.

The style of the dialogue required in the *Civic Square* depends on the subject of the discussion and the likely range of feasible, cost-effective solutions available. The purpose of open dialogue is twofold. First, it enables creative solutions to emerge through combining and re-combining ideas for change. Second, it enables compromises to emerge between people holding different views about what should happen next. Creative combinations and consensual compromise are therefore at the heart of dialogue – they just do not seem to be part of the *modus vivendi* of political debate.

Knowing the difference between defensive debates, open discussions and generative conversations is the key to empowering public dialogue. As Diagram 3 shows, to foster open dialogue it is essential to avoid unproductive, defensive debating and over-controlled discussions – which of course is the very essence of formal political discourse.

Diagram 3: The character of public dialogue and deliberation



From Isaccs W (1999) *Dialogue and The Art of Thinking Together*

Public dialogue about public problems was once confined to small meetings or large conferences. Nowadays public dialogue occurs through a myriad of social media platforms. But it is important here to differentiate between the use of social media by the active and politically engaged and by those who are uninvolved and disengaged from political debate. Indeed, the growing use of social media for dialogue among political actors and the highly politically engaged could potentially create a 'hyper-informed' elite who are ever eager to position and reposition their public policy arguments to 'find out', 'unmask' or 'trip up' their political opponents. These partisan-focused efforts that use social media to shape debate are both inevitable and welcome. But non-partisan platforms that enable civic education and foster greater civic literacy also need to be developed. In the US, Marci Harris, a digital entrepreneur with a passion for civic education, has established a technical platform, PopVox, that enables citizens to engage with Congress. PopVox aims to streamline information flow about congressional political choices to the average citizen while 'lowering the volume of partisan shouting' about these choices.¹⁵ Civic educational intermediaries such as PopVox need to be encouraged in the UK and public agencies need to make more intelligent use of social media techniques.

Aggregating first-order opinions through daily and weekly polling on public issues may be a necessary starting point for dialogue.¹⁶ These regular tests keep the public policy projects of our political elites responsive to public opinion – an essential and positive feature of political life. But deep dialogue requires reflection and an appetite for learning, not simply a desire to reveal one's opinions.

The choice as to whether a bridge should be built at taxpayers' expense would involve a different dialogue from, for example, one about where a drug rehabilitation centre should be located, or the use of 'stop and search' tactics by an urban police force. But whatever subject is up for public dialogue, the key point is that public servants need to create safe havens for discussions between people who may well have extremely different perspectives. The overriding need in the case of public dialogue is for safe, lawful, tolerant and respectful discussion between people who disagree on public issues.

The first goal of public dialogue is therefore to enable peaceful disagreement between people. The key to a successful outcome is for disagreement to be focused on the issues – and to avoid any disagreement becoming overly personalised. Public agencies should enable and empower the expression of as many differing perspectives as possible, because creative solutions to public problems require divergent thinking from lots of people. The added bonus, to these public agencies, of adopting this inclusive and plural approach is that it is much more likely to result in public choices that have a broadly based legitimacy.

However, building public dialogue in the *Civic Square* should never be used as a way of sanitising public dissent or negating public protest. Non-violent dissent and civil protest are part and parcel of public life in mature democracies. The role of public servants in enabling public dialogue is to make explicit the inherent biases in any situation so that better solutions can be found to public problems. The aim is not to build a coalition for public action on the back of the acquiescent and the apathetic. This is not even possible – over a 40-year period some 60% of British electors have remained 'very or fairly interested' in politics.¹⁷ They may not actively engage with party politics or be heavily involved with the work of public

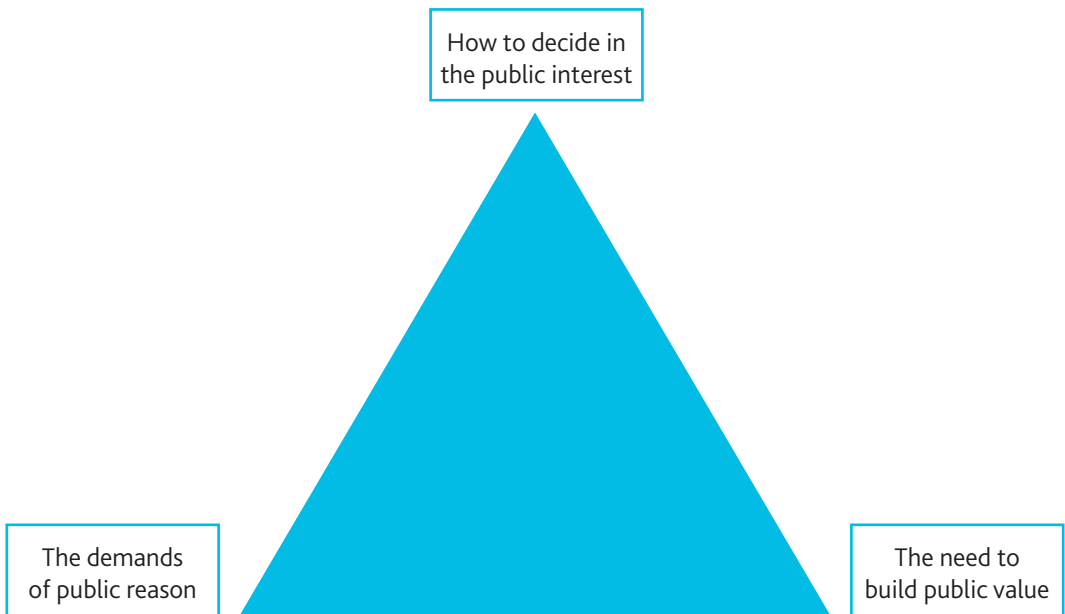
agencies, but to suggest that the majority of the public are uninterested in politics would be a serious misreading of the evidence.

And so public servants need to build a *Civic Square* appropriate and relevant for the public problem they are trying to resolve. They need to make sure that public dialogue is open, inclusive and plural, and that it allows different opinions to emerge and clash peacefully and creatively. But they also need to make sure that the dialogue is framed by the three points of the *Public Triangle*.¹⁸

The Public Triangle

The three key points of the *Public Triangle* (Diagram 4) are, first, what is in the public interest when resolving this problem? Second, how is public value best realised in resolving this problem? And third, when public decisions are made, how open are public agencies to explaining the reasons for deciding on one course of action and not another? These three factors apply to every public policy issue, whether it is deciding how to combat TB in cows; whether and where to build high-speed rail lines; how to determine the size and scale of the armed forces; how to intervene in some families' lives to safeguard children at risk; or simply whether to open or close a public library. All public choices need to navigate the *Public Triangle* if they are to meet the test of good governance and re-imagine public purposes and services for the 21st century.

Diagram 4: The *Public Triangle*



The public interest

The definition of the public interest sits at the apex of the *Public Triangle*. At its simplest, the market economy is the arena for the pursuit of personal and private interests, while the public economy is the place where the common, combined or collective interests of the public are paramount. The public interest is not what the public are interested in but rather what is in the interests of the public. But therein lies the problem. How is it feasible to gauge what is in the interests of the public when any subject is bound to draw lots of differing, contrary, competing and even contradictory interests?

Consider the case of a football club wanting to relocate to a better and more convenient location. When does this become an issue that merits consideration in the public interest? Does it depend on whether public resources are required to enable the move (say, by financing a transport hub)? Does it depend on the use to which the club's old site is to be put, or on the location of the new site in relation to residential areas? What if there are alleged 'multiplier effects' on the local economy from the club's relocation? Perhaps it depends on the extent to which it is agreed that the club is central to the social or cultural life of the community? These issues bedevil stadium development in every part of the country and disputes about them arise from time to time in many localities. Doubtless in considering the issues for one ground, lessons can be learnt from elsewhere in Britain or from overseas, where the views of different economic cultures about sports stadiums (their purposes, shape and location) can highlight novel potential solutions. Football fans will have passionate views about these subjects. Other people, who may have no interest in football whatsoever, may hold equally passionate views. (They may live next to the proposed new location or may strongly feel that public resources should not be directed to subsidising football in any way.) Another group of people may be wholly indifferent, either because they have no interest in sport or because the proposed location of the club has no bearing on their life at all.

The key is to attempt to set out clearly the public interest issues arising from the problem that needs resolving. Is it an issue of costs and who bears them or is it more about adopting a procedurally fair process in arriving at a decision? Importantly, the public interest can be invoked by people who want to implement a proposal as much as by people who want to stop a proposal being implemented. Often claims of public interest are made by those whose other, more specialised or sectional, claims have already been dismissed. In these instances the difficulty is in discovering whether there is a genuine public interest dimension to the proposal, or whether a private, sectional or social interest has been dressed up as a public interest issue.

This is why a public interest test is at the core of many legal disputes. In Britain it lies at the heart of arguments about fair competition policy; appropriate regulation of utility markets; the pursuance of criminal cases in the courts; the determining of specific limitations of human rights legislation; planning and development decisions involving compulsory purchase and the like; the conflict between media coverage and personal privacy; and the withholding of official information or state secrets. The 2008 legal challenge to the Serious Fraud Office's decision to drop an investigation into alleged bribery by BAE Systems (involving Saudi Arabia) is a high-profile instance of a court case that hinged on the use by a public authority of its competing 'public interest' powers. In this case, considerations of 'public safety' were said to balance considerations of the public interest in upholding the rule of law against corruption.

In resolving any public policy problem – whether it is a high-profile matter of national policy or simple operational implementation – a public interest test sits at the apex of the *Public Triangle*. Get this public interest test wrong and the proposed solution will inevitably fail. This applies to the design of new public goods and services as well as to the continued delivery of existing public goods and services. It also applies to attempts to alter radically the pattern and scale of public service provision in a particular area.

Public value

The second point of the *Public Triangle* is the idea of public value. This idea is closely associated with the work of Mark Moore of the John F Kennedy School of Government at Harvard University.¹⁹ Put simply, public value is the public equivalent of shareholder value. It is the value to the wider citizenry of the public service in question. Public facilities and services have tangible benefits for their users; the question is whether they also generate wider public benefits beyond the narrow gains for service users. While the concept of public value is often asserted, it is rarely evidenced, and yet, during an era of austerity, it is becoming ever more crucial that this public value is appraised if services are to sustain taxpayer support.

If public servants design services poorly or implement them ineffectively and inefficiently, the service users will not receive value from the services their taxes finance, and therefore the value of the service to a wider public will be diminished. Traditionally, managers in the public sector have focused their measurement activity on service effectiveness and service costs. This is not the same as appraising public value. It is entirely possible to improve public sector 'efficiency' and 'value for money' while the overall public value of a service is declining. It nonetheless remains important to measure cost-effectiveness in public sector service delivery, despite the truth of the aphorism that 'not everything that can be counted counts; and not everything that counts can be counted'. To this end, public servants need to focus relentlessly on the pursuit of ever better public value as well as on cost-effective delivery to service users.

By growing convention, a systematic appraisal of public value involves aggregating the costs and benefits of any given public project in a transparent fashion (whether to build leisure centres, prisons or primary schools; whether to develop a high-speed rail line; or whether to implement a major reduction in public service in a locality). The Treasury's 'Green Book' offers a practice guide for public servants in appraising the costs and benefits of projects consistently and transparently.²⁰ Conventional cost-benefit analysis (CBA) has become a foundation stone of almost every 'business case' for public action. Having a positive business case for an action usually means little more than ensuring that the aggregate benefits outweigh the aggregate costs. Unfortunately this can limit public ambition to those projects that have benefits that are capable of being tangibly expressed or monetised.

In an attempt to complement traditional economic approaches to CBA, the Treasury produced a further guide to social CBA that outlines how 'stated' and 'revealed' preferences can be used to incorporate well-being and social impact into public policy decisions.²¹ While this widens the factors to be considered, it remains an approach firmly rooted within CBA. The 2012 Public Services (Social Value) Act aims to go further, and offer public agencies wider scope for considering non-monetary factors when evaluating between competing options or contractors.²² This Act offers the basis for public servants to develop a coherent and consistent approach to the concept of public value.

In the 1990s the arrival of new public management (NPM) prompted organisational change in many governments throughout the world. It led to the outsourcing of government functions to the private sector or not-for-profit agencies and fostered an entrepreneurial management approach in government, based on strategic management, resource management and programme delivery. This was an attempt to use better management to heighten public value through reshaping services and focusing on social results and service outcomes.

Some argue that NPM has not delivered the promised social results and public sector productivity that its early advocates suggested. It has certainly underestimated more sweeping technological and generational changes that have begun to herald a new digital era of governance.²³ But the requirement to measure cost-effectiveness and appraise public value remains central to any public project, public service or proposed public action. No public dialogue on an issue can proceed without someone crystallising the issue of value in whatever is being discussed or proposed.

Public reason

The third point of the *Public Triangle* that needs to be considered when trying to resolve a public problem is the demands of public reason. This is not the singular pursuit of dry logic and objective rationality – it includes attempts to capture public emotion and public sentiment. When the Government was bidding for London to hold the 2012 Olympics and Paralympics, most of the media discussion centred on the costs and benefits. However, some of the discussion that preceded the bid, including in the relevant Commons select committee, was on ‘the potential boost to civic and national pride and prestige’ that would be generated by London hosting the Games.²⁴ In the bid, in the Games themselves, and in their aftermath, emotion and reason are intertwined. Examples such as this can be found in every area of public policy. Public emotion and public sentiment play a strong part. However, it is the overall demand of public reason that seems to take centre stage in the *Civic Square*.

The demands of public reason are both substantive and procedural. First, public servants need to address the question of whether the proposed solution to a public problem is both ‘reasoned’ and ‘reasonable’. It is not simply a question of whether a majority of people support the proposal. In other words, is the proposed solution based on sound ideas and rational evidence – and would implementing it be an appropriate and proportionate response, given the various potential solutions that can feasibly be implemented at an affordable cost? Second, public servants need to be open to having their reasoning subjected to the closest public scrutiny and questioning. In truth, this requirement predates the demands of a 24/7 news media and the Freedom of Information Act (2000), although both have served to deepen the demands of public reason.

In English administrative law, the judicial review procedure is further evidence of the demands of public reason. Judicial review provides a basis for the courts in England and Wales to supervise the exercise of public power. Anyone who feels that an exercise of power by a government authority (such as a minister, a local council or a statutory tribunal) is unlawful may apply to the Administrative Court for judicial review of the decision and have it set aside and possibly obtain damages. The grounds for judicial review include, among other things, that the public decision being reviewed was made in a proper way, for proper reasons, and on a sound and relevant basis. A court may also make mandatory orders or injunctions to compel the authority to do its duty or to stop it from acting unlawfully.

Commonly, it is expected that when elected politicians make important public decisions, they will do so on the basis of sound and impartial advice. However, it is not expected that public decision makers will necessarily agree with those who advise them. Elected politicians are expected to bring their convictions (together with their, sometimes fragile, democratic mandate) to bear on the public issues that they confront. Seeking advice is part and parcel of human affairs. In this respect, public decision makers are no different from everyone else. They will always want to seek out advisers whom they find trustworthy. And as Francis Bacon suggested some 400 years ago, public decision makers need to be careful how they draw on and how they balance the advice they receive:

It is of singular use to princes if they take the opinions of their counsel both separately and together. For private opinion is more free, but opinion before others is more reverend. In private, men are more bold in their own humours; and in consort, men are more obnoxious to others' humours. Therefore it is good to take both ...

In choice of committees for ripening business for the counsel, it is better to choose indifferent persons, than to make an indifferency by putting in those that are strong on both sides.

Francis Bacon, The Essays: 'Of Counsel'²⁵

Some decision makers may want to rely more heavily than others on objective, impartial, evidence-rich analyses. These decision makers will give prominence to professionally based 'expertise'. But we know that even if we could ever find a subject where all experts agreed on the facts, they are not the only sources of reasoned argument. As a result, citizens expect their elected politicians, in making public choices, to call on their basic beliefs, their values and their general political outlook as well as on sound ideas and reliable evidence. What's more, the demands of public reason reach beyond the formal decision making by politicians to include the reasoning used by the public in making claims on public policy.

In this way, public decisions follow from public dialogue and from the input of diverse and plural perspectives – each of which has to be open to questions about their reasoning. It is not just the decision makers and their advisers who are subject to the demands of public reason; all participants in the *Civic Square* must lay their reasons open to enquiry. If I make an absurd and nonsensical claim for public resources, the public have a right to expect the decision maker to consider it on a reasonable basis but they also have a right to question my absurd and nonsensical claim. After all, I am expecting others to pay for or subsidise my proposed solution. In a democracy we have the right to question the reasoning of each other, just as we have the duty to be tolerant and respectful of our differences.

These demands of reason and reasonableness have a strongly civilising influence. They engender respectful enquiry between people. And they are even beginning to civilise the sometimes crude and personally malicious conversations found on some social media platforms.

The test of reasonably based public discussion in a plural liberal democracy is as much about how dissenting voices are afforded their say as about how people can appropriately influence decisions about public policy problems. Pursuing the calculus of majority consent may be enough to attain power in some democracies, but it is unlikely to be an adequate formula for governing itself.

Conclusion

We are, at best, midway through a major deficit reduction plan for the welfare state and our public sector. Reductions in some budget areas force us to question the fundamental purpose of existing public service provision rather than just apply new efficiency approaches. Some sectors are trying to redesign core services to repurpose them to meet the needs of the 21st century while also lowering costs dramatically. In making these changes they need to pay proper attention to their levels of public legitimacy.

Much of the literature on public service reform is based on political or economic studies about how public agencies have been changed in the past. These studies tend to focus on how to make public agencies perform better, deliver outcomes more effectively or reduce their overall cost to the taxpayer. Very few authors place the challenges of public legitimacy and the requirements of public dialogue at the centre of deciding how government and the public sector should be changed. Those that do are usually not British.²⁶ This is partly because of the prominence given in British political theory and practice to opinion polling and to party-based analyses. Regular polling of public opinion on contested political issues is a vital tool in open democracies. But it is a blunt tool. Daniel Hausman, the American public philosopher, argues that 'preferences are sensitive to context, often constructed on the fly, and distorted by heuristics and flaws in deliberation'.²⁷ The cure for these problems, he suggests, is to pay closer attention to the factors that influence preferences for public policy and welfare choices rather than adopt the vulgar view of the public as 'rational fools'.

What public servants need is a route map for managing the *Civic Square* and the *Public Triangle*. Public economists often call for greater external incentives on public agencies. This is so that positive and negative levers can be applied to tap into the motives of those leading them or to give greater power to the consumers of their services.²⁸ Changing these external incentives may help reorient public agencies. But most public agencies are just as driven by intrinsic motivation to renew their purposes and refresh their goals. This paper offers an ideal model for these agencies.

When resetting organisational purposes and reshaping public services it is crucial that public agencies engage and involve everyone. For these are the public's services. Better to adopt an approach that builds a *Civic Square*, one that enables plural perspectives to be voiced. The precise character and shape of the *Civic Square* will differ according to the public problem concerned and the public solution proposed. But it is the role of elected politicians to frame the debate and to offer leadership on public issues – after all, it is why the public elects them as representatives.

Too many public servants (whether elected or appointed) engage in avoidant behaviour when it comes to the *Civic Square*. This may be because, by temperament, they prefer to have closed professional or political discussions about 'what should be done'; it may be a

narrow tactic to avoid future blame (if things go wrong); or it may be a broader strategy to evade accountability to the public.²⁹ Whatever the reason, it's unwise. All public issues and problems are better solved if more people are engaged in their resolution. But engaging people in dialogue is not an end in itself. Some 30 years ago Harlan Cleveland, the American diplomat and public administration academic, said that the most puzzling dilemma for public executives was: 'How do you get everybody in on the act and still get some action?'³⁰

The *Civic Square* is the main arena within which public dialogue is best conducted – in open and fair conversation that is balanced but not stage managed. But the character and the style of dialogue between participants matters as much as how the discussion is framed. Randomised conversations with everyone about everything will get nowhere very slowly. What is needed is a framing, a sequencing and a timing of public dialogue. This framing needs to reflect the nature of the public problem being resolved, as well as the demands of the *Public Triangle*.

Public agencies and public servants need to rely less on their organisational tools: of strategic management, key performance indicators, risk registers and programme delivery. Of course these tools have critical utility in helping to get things done. But used wrongly, they can make those with leading roles in public agencies elevate the organisation itself above the public it is designed to serve. Instead those with leading roles need to situate their search for public relevance with the public they serve. The best advice that can be given to public leaders struggling with enormous challenges is to stand back for a moment. Think not just of the depth of the challenge that you face in reshaping your part of the state, but of the breadth of the public dialogue that is needed to render more legitimate any changes that will ultimately be delivered. Design a *Civic Square* that is relevant to your public policy problems. And navigate your way through the *Public Triangle* as it applies in your world.

Endnotes

¹ Bank of England (2013) Inflation Report, chart 2.4, shows that compared to two previous recessions in the UK (1979 and 1990), consumer spending and real incomes remain below 2008 levels even after 21 quarters.

² For a summary of the history of the idea of 'political legitimacy', see plato.stanford.edu/entries/legitimacy/

³ Park, A., et al, eds, 'Politics: a disengaged Britain? Political interest and participation over 30 years', *British Social Attitudes: The 30th Report*, NatCen Social Research, London, 2013.

⁴ Bourne, L., *Stakeholder Relationship Management*, Gower, Farnham, 2009.

⁵ Arnstein, S., 'A Ladder of Citizen Participation', *Journal of the American Planning Association*, vol. 35, no. 4, pp. 216-24, July 1969.

⁶ It is worth noting the arithmetic that bedevils deliberative approaches. In meetings of, say, 60 people discussing one subject, if one person has the right to speak for five minutes, it implies they also have a corresponding duty to listen to everyone else for up to four hours and 55 minutes. This is why effective deliberative techniques and social media tools are desperately needed in the *Civic Square*.

⁷ Machiavelli, N., *The Prince*, 1532.

⁸ Ipsos Mori, *Loyalty Social Listening*, 2013. www.ipsos-mori.com/researchspecialisms/ipsosloyalty/sociallistening.aspx

⁹ Morozov, E., *To Save Everything, Click Here*, Allen Lane, 2013.

¹⁰ White, L., *The Clash of Economic Ideas*, Cambridge University Press, 2012.

¹¹ Coase, R., 'The Lighthouse in Economics', *Journal of Law and Economics*, 17 (2), pp. 357-76, 1974; Barnett, W., et al, 'Coase and Van Zandt on Lighthouses', *Public Finance Review* 35 (6), pp. 710-33, 2007; or in a more accessible style, Kay, J., *The Truth about Markets*, Penguin, pp. 238-39, 2003.

¹² Rittel, H., and Webber, M., 'Dilemmas in a General Theory of Planning', *Policy Sciences* 4, pp. 155-69, 1973.

¹³ Back, L., *The Art of Listening*, Berg, 2007.

¹⁴ Isaacs, W., *Dialogue and the Art of Thinking Together*, Currency, 1999.

¹⁵ Zax, D., 'How PopVox helps people scream less, think smarter about politics', *Fast Company*, 17 September 2013.

¹⁶ YouGov, 2013. See www.yougov.co.uk for impressive daily polling with email alerts and expert commentary.

¹⁷ Ipsos Mori, *Political and Social Trends*, 2013. www.ipsos-mori.com

- ¹⁸ Quirk, B., *Re-imagining Government: Public leadership and management in challenging times*, Palgrave Macmillan, 2011.
- ¹⁹ Moore, M., *Creating Public Value: Strategic Management in Government*, Harvard Press, 1995.
- ²⁰ HM Treasury, *The Green Book: Appraisal and evaluation in Central Government*, HMSO, 2011.
- ²¹ Fujiwara, D., and Campbell, R., *Valuation Techniques for Social Cost-Benefit Analysis*, HM Treasury, HMSO, 2011.
- ²² Social Enterprise UK, *Public Services (Social Value) Act: A brief guide*, 2012.
www.socialenterprise.org.uk
- ²³ Dunleavy, P., et al, *Digital Era Governance*, Oxford University Press, 2006.
- ²⁴ Media and Sport Committee, *A London Olympic Bid for 2012*, House of Commons HC 268, 2003.
- ²⁵ Bacon, F., 'Of Counsel', *The Essays or Counsels, Civil and Moral*, 1625.
- ²⁶ Habermas, J., *The Theory of Communicative Action*, vol. 1, Beacon Press, Boston, 1984.
- ²⁷ Hausman, D., *Preference, Value, Choice, and Welfare*, p. 134, Cambridge University Press, 2012.
- ²⁸ Le Grand, J., *Motivation, Agency, and Public Policy*, Oxford University Press, 2003.
- ²⁹ Hood, C., *The Blame Game: Spin, Bureaucracy, and Self-Preservation in Government*, Princeton, 2010.
- ³⁰ Cleveland, H., *The Knowledge Executive: Leadership in an information society*, p. 51, Dutton, New York, 1985.

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