

# Exploring the representative behaviours of local politicians: The example of biased mediation

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Paper for the PSA 64th Annual International Conference: Rebels and Radicals, April 2014

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Early draft – all comments welcome. Please contact the author before citing.

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## **Abstract**

Biased mediation refers to the way that local politicians privilege outcomes from initiatives that correspond to their own preferences and disregard those that do not (Copus 2010). As an example of a representative behaviour it provides a focus for exploring how local politicians implement their representative role.

This paper, therefore, seeks to complement the existing literature on local representation by exploring biased mediation from the ground up with reference to three UK case studies. Each case provides an examination of the responses of councillors to a council sponsored participatory co-governance initiative. The empirical material is examined using a framework of analysis that draws on Crawford and Ostrom's Institutional Grammar Tool (1995; Ostrom 2005). One conclusion of the paper is that technical critiques of the initiatives in question along with institutional rules linked to power models may be as important, if not more so, than the conscious role preferences of councillors.

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It is important to know what shapes the way that local politicians implement their representative role. Local politicians are on the front line of local politics and in many ways local politics does not function as it might. Aside from the difficulties that may be created by oversized local government units, the advent of multi agency governance and a lack of autonomy, 'the institutions of local government have become unnecessarily arcane and complex in the way that they operate' and this coupled with 'the indifference and disinterest that citizens display towards local political institutions' means there is 'a need to re-examine the way local politics works' (Pratchett 2004, p. 215). While the representative role of local politicians might be just one aspect of what is a very wide reaching challenge, understanding this role will be important in order to know whether optimism or pessimism should inform an assessment of local democracy (Verhelst *et al.* 2013).

It should be no surprise, therefore, that local government scholars, in Europe in particular, have been interested in the representative roles of local politicians. Large-n studies have revealed much about councillor attitudes to representation and, to a lesser extent, how these roles are implemented in practice. Work drawing on the MAELG [Municipal Assemblies in European Local Government] survey of 12,000 councillors from 15 countries has produced particularly important findings in this regard (Egner *et al.* 2013; Heinelt 2013a). A central conclusion of this research is that role perceptions, role behaviours and notions of democracy are influenced by personal characteristics on the one hand (Heinelt 2013b), and by formal and informal institutional structures on the other (Karlsson 2013). Also significant, however, is the existence of a 'role behaviour deficit' (Klok and Denters 2013), in other words the gap between what local politicians say they would like to do and what they report that they are able to do in practice.

Analysis of representative behaviour has drawn to a large degree on an orthodox set of role types, in other words, 'particular sets of norms which underlie relevant legislative behaviour' (Wahlke 1962, p. 8). The use of this orthodoxy, which classically distinguishes between trustees, delegates, politicians and partisans is, however, problematic when it comes to political representation as it is implemented in practice. One issue is that orthodox role types may be too crude to capture the complexities of representation which in turn makes it difficult to operationalise these roles as survey questions (Verhelst *et al.* 2013). A second difficulty is that a wider range of influences upon representational behaviour beyond the normative preferences of councillors may be missed. One alternative highlighted in the literature on parliamentary roles, for example, is to understand role preferences and behaviours as a reflection of rational strategies designed to achieve more immediate political goals (Searing 1994; Strøm 1997). Such arguments parallel Bulpitt's assertion the ultimate governing objectives of political elites are to win elections and achieve governing competence (Bulpitt 1996); something that can also be applied to the local level (McKenna 2012).

Given the complexity of local representation and the need to complement large-n studies, Verhelst *et al.* have called for research that is:

*...widened and deepened in order to arrive at better insights on the impact of different structural and cultural contexts. ...which entails detailed in-depth analyses of councillors' representative style in particular settings (for example intricate governance networks versus standard service provision, participatory arrangements, specific dossiers and so on). (Verhelst et al. 2013, p. 24)*

In a similar vein Searing has argued that analysis of political roles needs to be *situated*. In other words, what is needed is 'an account of the institutional environment in which the action takes place and an account of the problem situation in which the role players find themselves' (Searing 1994, p. 17).

The interface between participatory initiatives and the structures of representative local democracy is a problem situation that should be of particular interest to researchers. It is here that the competing claims of two different conceptions of democracy come into sharp focus. Within this situation one behaviour stands out; that of biased mediation. This refers to the way that local politicians ensure that participatory initiatives impact upon the local policy process only in as far as they support the politician's own personal and party preferences. The suggestion here is that this behaviour can provide a valuable starting point for analysis.

The purpose of this paper, therefore, is to explore biased mediation as an example of a representative behaviour. It will proceed in the following stages. First the framework of analysis will be outlined. This framework, drawn from Ostrom and Crawford's Grammar of Institutions (1995; Ostrom 2005) provides a means of capturing and distinguishing the institutions that shape the behaviours of political actors. Second, an overview of the case studies used to illustrate the argument will be provided. The sections following this will present the institutions in evidence from these case studies. Specifically they will present the specific behaviours, triggers and logics found in each case and illustrate the different strategies, norms and rules that were found. Before this, however, it is important to say something about biased mediation and what might shape it.

## **1. Biased mediation**

If local government sponsored participatory initiatives are to have an impact upon the local policy process then they must have both the blessing and the involvement of local councillors. Local councillors 'can therefore be viewed as gatekeepers in relation to the political impact of participatory initiatives' (Karlsson 2012, p. 796). However, as gatekeepers, councillors privilege outcomes from initiatives that correspond to their own preferences and disregard those that do not (Copus 2010). This behaviour would not be so surprising if it were not that it was the same local politicians who had initiated, endorsed and supported these participatory initiatives in the first place (McKenna 2012). Indeed, many of these initiatives designed to foster public participation in local policy and decision making include significant roles for local politicians and many councillors can be found actively and positively contributing to the initiatives that they have set up.

On the face of it biased mediation might simply reflect the trustee or partisan orientation of local councillors. For trustees, who privilege their own judgement first and foremost, it

would be inappropriate to cast this judgement aside in the face of advice from participatory initiatives. For partisans the outcomes from initiatives should be discarded in favour of the preferences of their parties. For politicians there is more flexibility, perhaps choosing biased mediation on a case by case basis. Delegates, on the other hand, while in a minority across the European councillor population, should provide counter evidence of 'unbiased mediation'. Indeed, if role preferences shape representative behaviours, then the extent of biased mediation should be broadly comparable with the balance of role types.

An alternative 'economic' interpretation would be that biased mediation is a consequence of the rational calculations of local politicians. This maybe a question of restricted governing competence as councillors may be anxious that 'their manoeuvring room to reject or amend policy proposals will be restricted' (Klijn and Koppenjan 2000, p. 369). More generally initiatives may undermine the legitimacy of local politicians as they seek to exercise influence; governing competence is closely associated with what Stewart and Stoker (1988) have termed 'the monopoly of the representative principle'. By acknowledging other inputs into council decision making as legitimate councillors may dilute their own influence. Outcomes from participatory initiatives may also create electoral difficulties. If councillors, adopting outcomes from initiatives are seen publicly to be opposing the policy of their party, for example, these situations could be electorally damaging.

A final interpretation is that biased mediation is a response to the technical deficiencies of participatory mechanisms. Drawing on responses to the MAELG questionnaire Sweeting and Copus found that: 'While councillors display positive attitude to the idea of participation... they tend to be much more circumspect when they are presented with actual participation mechanisms' (Sweeting and Copus 2013, p. 135). Two interpretations are suggested. First that councillors are 'being left behind as the practice of local democracy moves on' and second that they may be 'resisting a move towards less democratic practice' (p. 136). This latter option implies that participatory mechanisms might be as responsible for biased mediation as councillors.

Hence biased mediation provides an example of a representative behaviour that can be explained in a number of different ways. The next section elaborates a framework that can be used to examine these possible explanations in 'on the ground'.

## **2. Framework of Analysis**

Crawford and Ostrom proposed the Institutional Grammar Tool (Crawford and Ostrom 1995; Ostrom 2005) because being 'serious about working with institutional rules means having a coherent system for working with them' Ostrom (1999, pp. 51-52). It provides a parsimonious means of organising a diversity of institutional understandings into a single manageable framework. It should be noted that while the broad thrust of Ostrom's work on institutions has been widely appreciated in the local government literature, the Grammar of Institutions itself has received little attention.

The Institutional Grammar Tool can help local government scholars to unpick the complexities of representative behaviour in a number of ways. As an institutionalist

approach it privileges institutions as the 'chief object of analysis' and as 'the variable that explains most of political life' (Lowndes and Roberts 2013, p. 199). Furthermore it implies an empirically grounded analysis situated in specific institutional settings. However, it is the way that institutions are conceptualised that should be of greatest interest. First this tool provides a means for researchers to break down representational roles into more basic components; what Ostrom and Crawford term institutional statements. Second it requires researchers to pay attention to the relationships between behaviours, the contexts that trigger those behaviours and the motivations that shape them. Finally it distinguishes between three types of institutional statement namely; strategies, norms and rules, each of which implies a different motivation. Each of these benefits will be considered in turn. First however a little needs to be said about the Institutional Grammar Tool itself.

At the heart of the Institutional Grammar Tool is the concept of the *institutional statement*. This refers to:

*... a shared linguistic constraint or opportunity that prescribes, permits, or advises actions or outcomes for actors (both individual and corporate). Institutional statements are spoken, written, or tacitly understood in a form intelligible to actors in an empirical setting. In theoretical analyses, institutional statements will often be interpretations or abstractions of empirical constraints and opportunities. (Crawford and Ostrom 1995, p. 583)*

Institutional statements can never be more than approximate representations of institutions as it is questionable whether institutions can be fully known. They provide the foundation for analysis as long as they are shared and known by actors (Schlüter and Theesfeld 2010). Institutional statements are themselves assemblies of tightly defined structural components. While a more detailed explanation of this syntax is not required for the purposes of this paper a working knowledge would be required when applying Grammar of Institutions for research (Crawford and Ostrom 1995; Siddiki *et al.* 2011).

Building on the structural components proposed by Crawford and Ostrom, a simplified version the syntax is used here that describes institutions as having three components; the *behaviour* that the researcher is seeking to explain; the *trigger* that specifies in what circumstances the behaviour will happen; and the *motivational logic* that underpins the behaviour. Hence the process of constructing an institutional statement forces the researcher to explicitly link these three elements. It can be noted at this stage that the Grammar does not distinguish between the formal and informal. Indeed, as institutional statements can consist of a mix of formal and informal elements, the Grammar provides a more nuanced means of exploring the relationship between the two.

Crawford and Ostrom distinguish between three types of institutional statement; *shared strategies* which describe the collective actions that are seen as sensible in given situations; *norms* which describe shared strategies that are accompanied by a sense of obligation; and *rules* describe norms associated with enforceable sanctions. Distinguishing institutions in this way provides a distinction between three types of motivational logic. So, the motivational logic associated with strategies is a rational one, corresponding with what

actors perceive to be the wisest course of action, the logic associated with norms is obligatory corresponding to what actors perceive to be the most legitimate course of action and the logic associated with rules is punitive corresponding to tangible sanctions that actors perceive as significant disbenefits to themselves.

By way of a summary the following table illustrates how institutions can be captured as institutional statements and separated into strategies, norms and rules. The example used is taken from the MAELG survey and will be familiar to many local government researchers.

Behaviour	Trigger	Motivational Logic	
A member should vote according to the opinion of the party group	If there should be a conflict between a member's own opinion, the opinion of the party group in the council or the opinion of the voters	In order to ensure that decision making is effective	= <b>Strategy</b>
		As it is right that members act as partisans	= <b>Norm</b>
		Or else the member will be disciplined	= <b>Rule</b>

Having described the framework of analysis used, the next step is to provide an overview of the case studies and the data collected as part of the fieldwork.

### 3. The Case Studies

The institutional strategies, norms and rules that underpin representative behaviour can be illustrated with reference to three case studies of participatory initiatives operating in UK local councils. The primary purpose of the fieldwork, undertaken as part of a PhD, was to identify relevant institutional mechanisms. Empirical material was collected through interviews, a survey instrument and any available documentary sources. Details of the data collected are attached as an appendix.

The cases had a number of factors in common. Each council was an urban unitary with a smallest having a population of 200,000 and the largest 430,000. Political competition with regular changes of administration had been a feature of each in the 10 year period following the year 2000 and each had introduced similar co-governance initiatives at the time of the Labour Government's local government modernisation programme in the late 1990s and early 2000s.

A number of important differences can also be noted (table x). At the time of fieldwork, Council A had a Conservative cabinet, Council B a Liberal Democrat cabinet and Council C a Labour controlled cabinet. Councils B and C had devolved decision making arrangements and this proved to be significant in terms of biased mediation. Each of the cases also varied in the way that outcomes from the participatory mechanism were reported.

Table x Differences between the three cases

Council	A	B	C
<b>Cabinet control</b> (during fieldwork)	Conservative	Liberal Democrat	Labour
<b>Initiative</b>	Area forums on 'natural' geographies	Area committees operating within public and partnership meetings supported by neighbourhood forums	Area forums operating within ward boundaries operating in the context of (but not formally linked to) area committees
<b>Devolved governance</b>	No	Yes	Yes
<b>Formal reporting mechanism for the initiative</b>	Yes – to Council	Influence of city wide policy through engagement of officers	No formal mechanism to either Council or to the area committees

The survey instrument included questions designed to capture similarities and differences between the cases. Two of these questions were taken directly from the MAELG survey so that wider comparisons could be made. While the limitations of these questions have been explored above, and while the small numbers involved mean that results needs to be interpreted cautiously, they nevertheless provide a temperature check on the normative climate within each case. Table x provides responses to a question about how democracy should function (see Heinelt 2013b). The responses suggest that it is a position incorporating elements of both traditional representative and participative democracy that has the strongest support. Indeed, the levels of support for the seven statements about democracy are broadly similar across the three cases.

Table x: Councillor attitudes towards local democracy (4 = of utmost importance, 3 = of great importance, 2 = of moderate importance, 1 = of little importance, 0 = not important at all)

People have different ideas about how local democracy should function. Please indicate how important for local democracy you feel the following requirements are:	A (n=28/60)	B (n=49/72)	C (n=26/59)
<i>Answer Options</i>	<i>Mean score* (rank)</i>		
Residents should have the opportunity to make their views known before important local decisions are made by elected representatives.	3.57(1)	3.29(1)	2.73(2)
Local politicians should try to generate consensus and shared values among local citizens/groups.	2.81(=2)	3.02(2)	3.00(1)
Residents should participate actively and directly in making important local decisions	2.81(=2)	2.87(3)	2.54(3)
The results of local elections should be the most important factor in determining council policies	2.63(4)	2.28(5)	2.30(5)
Council decisions should reflect a majority opinion among the residents.	2.42(5)	2.39(4)	2.40(4)
Political representatives should make what they think are the right decisions, independent of the current views of local people.	1.70(6)	2.04(6)	2.17(6)
Apart from voting, citizens should not be given the opportunity to influence local government policies	0.96(7)	1.09(7)	1.00(7)

A second survey question, also drawn from the MAELG questionnaire, sought to establish role orientation from the perspective of voting intention. In contrast to the previous question the responses suggest that the different councils have markedly different profiles. While Council A's profile is strongly associated with the partisan role, and Council B's the trustee role, in Council C the two roles are relatively in balance. In none of the councils is the delegate role favoured by more than about a quarter of councillors and in Council C less than one in ten chose this option.

*Table x: The voting preferences of councillors*

<b>If there should be a conflict between a member's own opinion, the opinion of the party group in the council or the opinion of the voters, how should, in your opinion, a member of the council vote? Choose one option</b>			
<b>Answer Options</b>	<b>Council A (n=25/60)</b>	<b>Council B (n= 43/72)</b>	<b>Council C (n=23/59)</b>
Vote according to his/her own conviction	28.0%	60.5%	48.3%
Vote according to the opinion of the party group	60.0%	14.0%	43.5%
Vote according to the opinion of the voters	12.0%	25.6%	8.7%

Having described the case studies the following sections will describe the institutional strategies, norms and rules that were evidenced from them.

#### **4. Biased Mediation in Evidence**

There was little evidence in any of the three case studies that participatory initiatives were having any influence on council wide policy and decision making. This was despite the fact that this had been an aim of each of the initiatives, at least at some point in their history, and the fact that each retained the potential to have such influence. This is not to say that the initiatives had no impact. Indeed, all three initiatives, in particular the one operating in Council B, brought public influence to bear on significant aspects of neighbourhood decision making and service delivery. However, it was also evident that the ability of the initiatives to have wider influence was limited by the representative behaviour of councillors. While similar, these behaviours nevertheless played out differently in each case.

In Council A, where the power of the party group was strong and where there were no significant arrangements for devolution of service delivery and decision making, the initiatives were facilitated in such a way as to make the 'biased mediation' of outcomes unnecessary. Reports to council from the initiatives were not used to prompt policy debates and the facility to propose council motions on the back of these reports was seldom, if ever, used. Partly this was because contentious issues were routed away from the initiatives and partly this reflected unwillingness amongst councillors to grant them greater powers and responsibilities. The option of constituting the initiatives as area committees instead of area forums, in other words investing them with greater power and responsibilities, had been debated but rejected. For the large part the initiatives were treated as being outside of 'normal politics' and hence not suitable for dealing with substantial policy issues.



In Council B, where the initiatives did have the greater powers and responsibilities of area committees, it was down to the councillors, who had a formal role within the initiative, to transmit outcomes to the Council's wider policy processes and to ensure that outcomes reflected public wishes rather than simply their own. However, a significant number of councillors chose to practice a non participatory style of decision making within meetings. For these councillors the purpose of the initiatives was to enhance accountability rather than provide for public participation in decision making; for making decisions *in public* rather than *with the public*.

The initiatives in Council C had been established as part of significant devolution of service responsibilities and decision making down to neighbourhood level. However, as the intended mechanism for public participation they had become disconnected from the powerful area committees that were the focus for devolved governance. For outcomes from the initiative to be translated into city wide policy and decision making they had to be passed on by councillors to the Area Committees who could then refer specific issues onto Council, Cabinet or scrutiny. It was clear that, on the whole, councillors did not see this as part of their role and treated the initiatives as a general sounding board rather than a mechanism for informing policy and decision making.

While the overall outcome was more or less the same for each of the cases, the behaviours that led to a lack of wider impact for the initiatives in respect of public participation were different in each, In Council A bias was facilitated in the design of the initiative and in the management of agendas, in Council B bias centred on the non participatory decision making style adopted by councillors within meetings and in Council C the unwillingness to transmit issues into the wider processes of the Council was significant. The next section will consider what triggered these behaviours.

## **5. The Institutional Triggers**

In each of the cases councillors and officers were able to point to the particular conditions that gave rise to the behaviours outlined above. A set of common concerns were evident across the three cases. These related to the legitimacy of the respective initiatives in terms of the numbers attending, the representativeness of those taking part or the fact that participants were unelected. These issues played out differently in each case with some aspects being more or less important for politicians in the different councils.

The phrase that best sums up the trigger for councillor responses in Council A was that of democratic weight. This term, which resonated with a number of interviewees, reflected a concern both with the numbers attending meetings and with the representativeness of those that did attend. If the initiative was attracting insufficient numbers of participants in the eyes of councillors, this reduced their legitimacy to be incorporated within the decision making process. The concern with the numbers attending meetings was constant feature of discussions throughout the history of the initiative and was indeed the ultimate justification for reducing financial support. Responses to the survey suggest that councillors wanted to see a minimum of 30 people attending meetings before the initiative could be considered legitimate.

Across the political spectrum councillors were anxious about the meetings being dominated by the 'same faces' and by the well educated, white middle class or, as one councillor put it; 'the old, the bad, the sad and the mad'. So, for example:

*Well, the trouble is that they haven't really gained the kind of traction that would give them the legitimacy, in the eyes of the policy makers, to be a serious voice ... I mean, fundamentally, we might get 20 or 30 people along, but when you sit and listen to the comments and so on, you realise it's not a cross section of the community and it's a very narrow voice, so I think from that point of view, there is a slight, you know, if it were the only body you were going to use for consultation, you might worry about its representativeness, so that's always been, to my mind, the big issue, you know, the big concern... (Councillor, Council A)*

As noted earlier, while many of the councillors in Council B were happy to make decisions *with the public* others were more inclined to see their role in the initiative as making their decisions *in public* and saw the initiative as an accountability mechanism rather than a participatory mechanism. While the numbers attending was less of an issue than in Council A (nearly half of survey respondents agreeing that there did not need to be a minimum number), there was a strong concern that those attending did not have sufficient democratic legitimacy in terms of their representativeness:

*However, it's the same faces coming to the [initiative] all the time, and I would love to see more come and have influence so that there is a balanced debate... I love my ward, care about what happens in it but at the end of the day there are divisions between groups, and some are more vocal and get things through while others who may need services or representation more lose out. (Councillor survey response, Council B)*

One councillor suggested that the only satisfactory way to overcome this was might be to have formally elected community representatives:

*It's very sort of middle class, retired architect heavy and very Council block of flat light, ... and I think that the actual legitimacy of the [initiative] as a democratic body is questionable at the moment. I think that the only way you ultimately get around that... is to have some kind of formal system of selection or election for members of the partnership. (Councillor, Council B)*

The trigger for biased mediation in Council C was the perceived lack of democratic legitimacy of the initiative linked to the low numbers attending and their perceived domination by the same people. Several of those interviewed referred in particular to the meetings being the preserve of the 'usual suspects'; small groups of usually, male, usually, white and usually middle aged residents. As one councillor put it:

*In principle, there was a very good idea on the conception of them, ... but it is the usual suspects and you will hear most of the councillors tell you that. We all have our little clique of people that will come and attack you on a regular basis or come*

*and agree with you on a regular basis, it's those usual suspects, you know.  
(Councillor, Council C)*

In terms of what triggered the behaviours associated with biased mediation it is possible to see both similarities and differences between the three councils. While the numbers attending, the representativeness of those that did attend and the fact that those attending were unelected were causes of concern in each case the emphasis in each was different. For Council A it was popular support and the ability to represent a cross section of the community that mattered most; it was the idea of *small* numbers of unelected and unrepresentative members of the public participating in decision making, that most concerned councillors. For Council B the numbers mattered less but the fact that those attending were self selected rather than elected was the most prominent issue. In Council C it was the unrepresentativeness of the 'usual suspects' that came to the fore in terms of councillor concerns about the initiative in question.

Having briefly described the triggers that led to biased mediation in the three cases the next section will consider the logics that underpinned the institutions in question. In other words what motivated the councillors in each council?

## **6. The Strategies, Norms and Rules in Evidence**

The difference between a strategy, norm and rule is the motivational logic that shapes the given behaviour. Strategies are underpinned by a rational logic, norms by an obligatory logic and rules by a punitive logic. Presented below are the strategies, norms and rules shaping biased mediation in evidence from the three cases.

### *Strategies in evidence*

Strategies are shared institutions recognizable to actors that can be presented as institutional statements. They are perceived as rational and concerned with the effectiveness of a particular behaviour in respect of achieving a particular goal. In this instance what works best for policy and decision making. Such a institutional statement can be captured as follows; 'councillors must mediate the outcomes from the participatory initiative *in order to* ensure that policy and decision making is effective'. In the three cases such strategies were clearly in evidence and were prominent for councillors in particular when reflecting on their responses to the initiative in question.

First, biased mediation was seen a practical measure to stop the initiatives making decisions based purely on factional interests in a given area. As one councillor put it:

*I don't think any of us actually want to go to an entirely populist participative democracy, whereby the 200 people who turn up at our newly energised [initiative] all raise their hands and that decides that we, I mean, they could take terrible decisions, couldn't they, like closing the mosque or something, so you've got to guard against that. (Councillor, Council A)*

A second strategy reflected the greater knowledge and experience of councillors. From this perspective the knowledge of the 'council machine' that councillors had was regarded as particularly important. A third variant was that, because the initiatives were likely to favour the articulate and those with time on their hands, for engagement to be effective councillors needed to be at the heart of the system speaking for the silent majority or for the unconfident. As one councillor reflected:

*In practice, I think it doesn't necessarily work, depending on how you do it and I worry with the application of it because you can land up, it can be not democratic because it can be the person who shouts loudest gets what they want rather than, so the role of the councillor, if you like, is mitigating the, you know, making sure everything's even, so even if somebody can't shout loudly, they still get what they want. (Councillor, Council C)*

The final strategy reflected the concern that a council wide set of co-governance arrangements was only ever likely to throw up alternative demands without any coherent mechanism for deciding between them. Biased mediation, therefore simply reflected the fact that this type of system needed a final arbiter:

*don't the public elect us to make difficult decisions that they perhaps wouldn't have liked, but at least somebody has made the decision, otherwise you just keep talking about things and no decisions would ever be made, so we're elected to make difficult decisions and I think people just accept that, you know, that generally, nothing would get done unless somebody makes a decision and they can always get rid of us! [Laughs]. (Councillor, Council C)*

While the strategies noted above were an important factor in each of the cases, so to were the norms, in other words the behaviours underpinned by a sense of obligation.

#### *Norms in Evidence*

Norms are shared institutions like strategies but rather than being underpinned by a rational logic they are shaped by a sense of obligation and appropriateness. A norm in this context can be written as follows; 'councillors must mediate the outcomes from the participatory initiative *as it is right that* councillors act as trustees'. As this example suggests, orthodox role types can be brought into analysis if councillors raise these as influences.

Across the three cases the normative systems of councillors did shape their responses to the participatory mechanisms. In general terms councillors felt, for example, that it was their presence that made the initiatives democratic. As one councillor survey respondent from Council B put it: 'Partnerships in themselves have little democratic accountability - it is the Councillors that sit at the heart of it that give it legitimacy'.

Broadly speaking the norms shaping representative behaviour reflected the distributions suggested in responses to the survey question on voting intentions. While the orthodox role types were not raised in the majority of interviews, two of the councillors interviewed in

Council C did identify explicitly with the trustee role and raised it themselves; aware of both the normative framework and the political theory that underpinned it. This suggests that the role types may certainly be important for many councillors but are far from pervasive in an explicit way.

The most prominent norms across the cases that underpinned biased mediation were indeed those associated with the Burkean concept of the representative as a trustee. This came through the interviews in particular:

*I think we also have some Councillors who kind of think that they were elected to make the decisions. What's the point in having a Councillor if you're going to have the public so involved in decision making outside of elections? (Councillor, Council A)*

*So some Councillors, I think, do completely disengage from these sort of forums, because they genuinely, you know, almost coming from a political theory point of view, don't agree that it's got anything to do with them, that's their job... (Officer, Council A)*

*I think there is a long history in [Council C] and it's probably not just in [Council C], but that it's very much in [Council C], it echoes what you said about the Tory Councillor but you'll find it among Labour Party Councillors, they see themselves as the expert in drawing on what people tell them in terms of casework, etc, they don't actually see a valid role for that day in day out participation. I think there is a sense for a lot of the members where they would not see a challenge that came to them in that way as being at all legitimate. (Officer Council C)*

*I mean, I would guess that if you asked most people who knew me, they would say I'm the sort of person who is more likely to tell people what I think they ought to have, [laughs], rather than sit and ask them. The reality is I decide what I think is the best thing as much as I can, having listened to what people have to say. If I don't agree with them, I'll tell them I don't agree with them and point out that there's 10 of them in the meeting and I represent 13,000 people. That's the bottom line for me. (Councillor, Council C)*

Certainly normative systems directly associated with delegate role type were in evidence even if these were a minority position. There were also some councillors in the cases who presented the more participatory representative style associated with the politico role. While there were some councillors who operated as partisans the evidence from these cases did not suggest that this was a normatively driven behaviour. Rather that this was something more strategic.

#### *Rules in Evidence*

Rules are distinguished from strategies and norms by the fact that the logic that underpins them is punitive, in other words councillors perceive that there will be a sanction associated with a failure to act in a certain way. These institutional statements might be written as;

‘councillors must mediate the outcomes from the participatory initiative *or else* they will lose power’. While loss of office and loss of votes might also be potential sanctions driving behaviour, from these case studies it was the loss of governing competence that was particularly found to be associated with biased mediation.

A notable finding from the case studies was that representative behaviour was shaped by the different power models that had been adopted in the different councils. In Council A, where there was no devolved structure of governance, group loyalty was of greater concern as party leaderships did not want to see individual councillors ‘walking off’ as a consequence of decisions made in participatory initiatives. The close balance of the Council further reinforced the idea that anything that undermined party discipline would undermine the influence of the party group.

In Council B and C, however, where many responsibilities had been delegated down to ward councillors, it was the influence of individual councillors that was threatened by the outcomes from initiatives. This influence, described by an officer in Council C as the ‘latitude in making decisions’, had been bestowed by the election process and would be reduced if the influence of initiatives were to be extended.

There was also a more general sense in which initiatives were perceived as a threatening the governing competence of councillors. Informal influence was dependent both upon their popular support and their claim to represent the interests of the whole community. If participatory initiatives that did not fulfil these democratic criteria were recognised as democratically legitimate, then this recognition would, by implication, devalue the status of councillors as representatives. Being elected then becomes only one of many routes to democratic legitimacy and councillors will find their influence diminished as a consequence.

While it was the possibility of reduced influence that provided the greatest perceived sanction loss of votes was also a factor. As the Burkean councillor quoted above put it; ‘...whilst I am a Burkean, in terms of my philosophy, ... you don’t get to be a Tory in [Council C] for 28 odd years without delivering what the ward wants as well’. Councillors in all three cases were, unsurprisingly, sensitive to the numbers attending meetings of initiatives and would adjust their responses when numbers were higher. Similarly, councillors were sensitive to contentious issues that might favour one section of the community in favour of another.

One obvious conclusion from the analysis above is that for this one aspect of representative behaviour in these three cases there is a lot going on. This is a complex picture that these findings perhaps only reveal a part of. A range of institutional strategies, norms and rules are present some of which are reinforcing others and some of which are in conflict with others. Normative preferences, including some conscious references to orthodox political role types are present but so are strategies, offering a technical critique of the different participatory initiatives and rules underpinned by concerns about loss of governing competence and, to a lesser extent, votes. The implications for explaining representative behaviour in a more general sense will be considered in the concluding section that follows.

## 7. Conclusion

The aim of this paper has been to complement the literature on representative behaviours and particularly the findings of recent large-n studies. It has sought to do that by exploring one aspect of representational behaviour, namely biased mediation, using an approach derived from the Institutional Grammar Tool and drawing on empirical material from three case studies. The approach provides a number of benefits.

First, the approach is able to reveal the complex nature of representation as it happens on the ground. The process of capturing behaviours, triggers and motivational logics as institutional statements gives researchers the opportunity to see the way these different components fit together in different settings. The example of biased mediation shows that while triggers may be broadly similar across cases, the differences in emphasis limit the degree to which generalisations can be made.

A second point is that while normative preferences certainly influence the behaviours of local politicians they are not the only game in town; much more is going on. The approach outlined above is able to capture a wider set of influences. As predicted by advocates for more economic approaches to political behaviour, concerns about governing competence and electoral loss are as important, if not more so, than normative preferences. Significantly, concerns about the technical deficiencies of representative mechanisms also have an influence. These concerns, whether justified or not, may go a long way, to explain the gap between role preference and role behaviour.

Finally, by studying representative behaviour at the level of individual councils it is possible to combine evidence from a range of sources including the perspectives on local politicians themselves. Evidence from officials and from actors who are not directly associated with the council serves both to validate and to enhance the evidence from councillors. As Atticus Finch in the novel *To Kill a Mockingbird* suggested; 'you never really understand a person until you consider things from his point of view... until you climb inside of his skin and walk around in it'. Crucially studies of this type also allow researchers to establish the most relevant aspects of context in any given case. In the three cases described here, for example, the different devolved power arrangements linked to the design of the initiatives in the different councils were of great importance. In this sense studies of this type connect with an established, if perhaps neglected, tradition of local government case studies (Laffin 2008).

There are of course limitations. As with any case study approach the ability to generalise is an issue. What is claimed here, however, is a richer understanding to complement what is already known from large-n studies not universally applicable findings. A second point is that capturing institutions is always going to be a difficult business. The process of constructing institutional statements will involve a large degree of interpretation on the part of the researcher. No doubt techniques can be improved, however, and if a body of research can be built up this approach offers much that can be of value.

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## Appendix: Data Collection

Data for each of the three case studies was collected in three ways. First contextual data was collected. This included written material such as; any academic research relevant to the case being studied; any relevant documents such as council reports, minutes, agendas or papers linked to the operation of the participatory initiatives; and electronic media such as webpages, blogs or social media messages such as those found on twitter. The second set of data was collected through semi structured interviews with key participants and observers. Following a realist approach the aim of the interviews was not to gather objective information about the interviewees as subjects but to employ them as co-researchers. In realist research it is the theory that is the subject of the interview and the interviewee is there to help the interview test and develop that theory. As Pawson and Tilley argue, ‘...the researcher’s theory is the subject matter of the interview and the interviewee is there to confirm or falsify, and above all, to refine that theory’ (Pawson and Tilley 1997, p. 159). The third set of data collected was through a survey instrument intended to capture the opinions of councillors. Two questions, dealing with the democratic preferences of councilors, specifically one dealing with how they would vote if there were a conflict between the councillor, the community and their party group, were borrowed directly from the MAELEG questionnaire to allow the possibility of comparison with a larger European set of results. The survey was distributed in each case both through an online survey tool and via hard copies.

Evidence gathering during the case study sought to validate the existence of these rules, to specify their precise nature ‘in-use’ and, if possible, to identify any other rules that had not been predicted. Describing the rules as ‘in evidence’ serves to highlight both that the conclusions are based on a limited data set and the difficulties of establishing the existence of institutional mechanisms that actors themselves may not be aware of. From an institutional analysis perspective the key question ‘is whether or not that a statement found amongst the written statements or oral traditions is really a shared institutional statement that participants know and use’ (Ostrom 2005, p. 172).

An overview of the field work activity and data collected is provided in table x. In total 28 interviews were conducted including 15 with councillors, 11 with officers and 2 with participants external to the council in question (one from the voluntary sector and one from the police).

**Table x: summary of fieldwork activity and data collected.**

Case	A	B	C
<b>Fieldwork conducted</b>	October 2009 – July 2010	October 2010 – March 2011	February – March 2013
<b>Semi Structured Interviews</b>	Councillors (5) Officers (4)	Councillors (5) Officers (3) External (1)	Councillors (5) Officers (4) External (1)
<b>Survey Responses</b>	28 (47%)	52 (74%)	32 (53%)

The 15 interviews conducted with councillors included interviews with Conservative (4), Labour (5), Liberal Democrat (4) and Independent (2) councillors. These included cabinet members (4, with at least one in each case), committee chairs (2) and chairs of participatory initiatives (2).