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Local Democracy in Comparative Perspective

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Abstract Of all the issues that democracies face, maintaining legitimacy and democratic accountability rank among the most important; a fact that has been reflected in a burgeoning literature that addresses what is commonly referred to as the democratic deficit. This debate extends to the local level, where conceptually and practically there is a need for greater transparency and accountability in the decision-making process as a means of responding to declining voter turnout and the necessity of having appropriate structures that are able to tackle the evermore complex and interlinked problems that face local decision-makers. It is a debate which espouses different interpretations of political concepts, such as the political legitimacy to act locally, the visibility and profile of local leaders, the transparency of the local political decision-making process, the most effective mechanism for political accountability, the role of citizens in local democracy, and the role of political parties and partisanship in local government. These discussions shed light on the similarities and differences between countries regarding the role of local government and local democracy, as well as providing templates and case studies about how these responses may best be able to transfer across national boundaries. The chapter seeks to contribute to this discussion by providing a comparative analysis of three countries (England, Spain and Slovenia), which are of different territorial and functional types (Northern European, Southern European, and Central and Eastern European) according to the categorizations of local government systems in Europe. The authors analyse issues of local democracy, with particular emphasis on elected mayors and local council size, and review the debates around those issues in all three selected countries. Moreover, they describe the systems of local government, and arguments within countries concerning aspects of local government and democracy.

Keywords: • local democracy • mayor • local council • England • Spain • Slovenia

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1 Introduction

The point of departure for this chapter is the assumption that democracy is built at the grass-roots level, where claims for personal recognition can be made. This means that local politics must be based on community, and related values of openness, tolerance and inclusion. Furthermore, they must be based on democratic practices like elections, organized group activities, and other ways for citizens to influence the collective actions that tie people together and underpin local democratic infrastructure (Ostrowski and Teune 1993). To qualify as a democracy, a local political system has to allow its citizens' effective control of its political agenda and the decisions thereby rendered. Even if a local political system effectively and efficiently provides public services and facilities in perfect agreement with the needs of its citizens, such a system is not authentically democratic if its citizens are not included into decision-making processes (Denters *et al.* 2014). Local democracy is the idea of promoting a common good under circumstances where there is no strong preexisting agreement about what the common good is, what it entails, and how it can be promoted. It is thus subject to public justification (Barber 1984; Haus and Sweeting 2006).

Weir and Beetham (1999) claim that a system of collective decision-making can be called democratic to the extent that it is subject to control by all members of the relevant association considered as equal. The principle of citizen control is applicable to both direct (participatory) and indirect (representative) democracy. Furthermore, Weir and Beetham (1999) argue that the realization of the principle of control is dependent upon three intermediate principles. First, the *principle of authorization* involves what are largely constitutional provisions that provide public officials with the formal democratic legitimacy to exercise authority on behalf of a population (for example, laws that regulate the electoral procedures by which officials are elected and can be removed from the office). Second, the *principle of accountability* refers to the accountability of public officials to the public (in a representative democracy the main mechanism securing this principle is that of free, competitive elections, where all adult citizens can exercise control over the political fate of political officeholders). Third, the *principle of responsiveness* requires that the government systematically takes note of the full range of public opinion in the formulation and implementation of law and policy. This principle requires a well-functioning system of political representation in which elected representatives are open and accessible to public demands, and are also prepared to act upon them (Beetham and Stoker 1996).

The local level of government is critical to the development of democracy because it is the primary channel between the people and authority. In a unitary system, power is devolved by a central government to a local government, but these devolved powers can be revoked by the centre and cannot be used in conflict with central policy direction. In a federal system, power is shared among federal, state and local governments; in practice, the relationship is largely between the state or regional government on one side and local government on the other, because (constitutionally) local government is normally created

within the constitutional mandates of state or regional governments. In any political system, local government is created to "decongest" the functions of central governments and to supply services that are local in nature but which also provide a degree of local self-government and control. This is why local government requires political leaders and citizens that can tolerate legal conflict, accept group differences, and endorse political equality, as relationships in localities are diffuse and the environment is diverse. Complex interests and a wide spectrum of local services create the perfect space for problems to arise that demand flexibility, quick adaptation and responses from local leaders. Therefore, local government is a very significant and specific form of power organization which is accepted in almost every country in the world. Of course, it should be emphasized that local government in different parts of the world have their own specific characteristics and differ considerably. These differences are due to many factors, such as path dependency, tradition, historical circumstances, organizational structure, functioning, scope of responsibilities, type and number of service delivery, activities, normative and financial independence, level of economic development, the size of territory, population, and the like.

Furthermore, while vast differences exist globally in relation to local government (Hambleton and Gross 2007), even within Europe there is rich variety in local government systems organizations and, above all, in different forms of local democracy. To meet the needs of our chapter, we apply a typology of local government systems created by Page and Goldsmith (1987), later updated by John (2001), to draw a distinction between *Northern* and *Southern* European countries.[1] This typology is based on three indicators: first, the proportion (both numerical and type) of functions assigned to the sub-national authority; second, the legal discretion available to local policy-makers; and third, the access of local politicians to the central authority (John 2001, 26). The main idea behind this typology is that there is an inter-relationship between these indicators. It is clear that policies that are enacted, as well as the corresponding leadership roles – which are fulfilled by mayors – vary greatly depending on the pattern of this interaction. The typology presupposes that Northern European systems are marked by a strong decentralization of functions, a high degree of discretion, and the low access of local politicians to the central government, while in Southern European systems local politicians can have a strong influence on the central level of authority, but represent politically weak municipalities.

Moreover, Northern democracies, based on the independent power of the local level to decide about important issues, have developed a system of local government which has become known as a "small political system" (John 2001, 30). Local politicians have to achieve results, typically through the use of local resources and with an emphasis on providing local public services. Since the early 1950s, many municipalities have merged in an attempt to increase efficiency and provide better public services. In Northern European systems there are only a few levels of authority. On the other hand, local politicians of southern democracies are forced to act within a given framework of territorial representation and political localism, and to use different networks to access

national and regional centers of political power in order to represent local affairs (Page 1991; John 2001). The size of local communities is still small, because, within a given context, community identity has been more important than the effectiveness of public services. Southern European countries therefore have many levels of authority – partly as a means of increasing the potential of territorial representation (Heinelt and Hlepas 2006, 23–24; Kukovič 2015, 35–36).

The typology of Northern and Southern Europe has clear advantages as it is simple and avoids the old institutionalism that has long prevailed in comparative analyses of governments, including the analysis of local authorities. Of course, on the other hand, there are also some disadvantages; for example, only a limited number of countries were included in the original analysis. Furthermore, at the time when Page and Goldsmith's (1987) typologies were originally developed, the new democracies of Central and Eastern Europe did not yet exist as autonomous countries with their own local government structure and development. However, a few years later Swianiewicz (2014) provided an Eastern European typology of twenty countries based on: (i) territorial organization and tiers of elected local government, (ii) scope of functions provided (functional decentralization), (iii) financial autonomy, and (iv) horizontal power relations within local government institutions (election systems and relationships between mayors and councils): this typology adds to our developing understanding of the nature of the relationship between the centre and localities.

The main purpose of this chapter is to present three examples of different structures and patterns of local democracy in three European countries which have different territorial and functional types of local government. We analyse and compare English local government as representative of the Northern type, Spanish local government as representative of the Southern type, and Slovenian local government as representative of new Central and Eastern European type. We analyse issues related to local democracy, with particular emphasis on elected mayors and local council size.

In looking at these issues in more detail, this chapter proceeds as follows. First, we examine the different historical roots of local government in England, Spain and Slovenia. The next section describes the contextual settings and puts an emphasis on local leadership – the mayor; the third section sets out to analyse the role of the local council in selected countries, while the final section discusses and draws out the lessons from the three selected cases.

2   The context of local government in England, Spain and Slovenia

The current territorial organization of the 28 EU member states is very diverse, both at the state- and the sub-national level. At the state level, the 28 member states can be classified into three main categories: three countries are federal States (Austria, Belgium and Germany), two are regionalized States with a quasi-federal structure (Italy and Spain), and the remaining countries are unitary States, although some have asymmetrical

forms of organization (Portugal, the UK). Despite their different territorial organization, all three countries have formed local governments which are organized into one, two or three tiers, depending on the country.

English local government is organizationally diverse and, for traditional and political reasons, either exists in a two-tier structure in parts of England – i.e. county and district councils; a unitary system – where all services and functions are provided by a single council, a structure which exists in both semi-rural and urban areas; or in the form of parishes – the smaller units of local government, very distinct from the counties, districts and unitary councils.

Some elements of this structure can be traced back to arrangements in place before the Norman Conquest which developed from Anglo-Saxon hundreds, burghs and shires. Modern democratic local government in England began to develop with the 1835 Municipal Corporations Act with further democratization taking place in the 1880s. In the late 1960s a plan was to drawn up for a pattern of 60 single-tier councils throughout the country, but the incoming Conservative government replaced that proposal with the implementation of a two-tier structure of country and district arrangements. The current shape of local government in England was introduced by the Local Government Act 1972, which reduced the number of county councils in England from 58 to 47 and the number of district councils from 1,249 to 333. Subsequent legislation has further reduced the number of county councils to 34 and the number of district councils to 238. The Act also created six metropolitan counties with 36 metropolitan districts among them to cover the major conurbations of the country; these metropolitan counties, along with the Greater London Council although not the metropolitan districts, were abolished by the Local Government Act in 1985. Since then, these large metropolitan areas of the country have been represented by single tier (Copus 2010, 8).

The Greater London Council was replaced by the 25-member London Assembly and the directly elected mayor of London by the Greater London Act 1999. These new bodies exist alongside 32 London boroughs, created in 1965 at the same time as the Greater London Council. In addition to the two-tier structure of local government which covers most of England (after the abolition of the metropolitan counties and Greater London Council the metropolitan and London Boroughs became de facto unitary councils) there are 55 unitary authorities, created under the Local Government Act 1992. Unitary councils can be created by a statutory instrument: that is, by the Secretary of State and without the employment of the full process of parliamentary legislation – they are, however, powerful councils, providing a full range of local services (Copus 2010, 8).

Following the death of Franco in 1975, **Spanish** society was confronted with the question of how to establish a constitution which could transform a unitary and centralized state into a politically decentralized and modern democratic one. The 1978 Constitution has since guided the formation of the Spanish state and the asymmetrical devolution with which it is associated.

In the first phase of development (1979 to 1981), the Statutes of Autonomy were granted to the historical communities the Basque Country and Catalonia (1979); Galicia (1981); and Andalusia (1981). During this phase the autonomous agreements of 1981 were signed, establishing the map of autonomous communities and the route to autonomy for each of them, and the organizational structure, uniform to all Autonomous Communities (Legislative Assembly, Government Council and President) with an end date for the process set as 1 February, 1983. In the second phase (1981 to 1992), the map of autonomous communities was gradually completed with 17 separate autonomous communities, being constituted through the different processes and methods established by the Constitution. In the third phase (1992 to 1996), the Autonomous Agreements of 1992 were signed, which equally granted powers and responsibilities to certain Autonomous Communities through the reform of their Statutes of Autonomy. In this phase the reform of the Spanish Senate took place in order to increase its territorial representation. Finally, in 1994, the General Commission for the Autonomous Communities was created which integrated senators and representatives from the national and autonomous community governments who may intervene in its sessions and request the calling of a meeting. In 1995, once Ceuta and Melilla became autonomous cities, the autonomous process was completed in terms of the map of autonomous communities (Nivero de Jaime 2009, 67).

The Spanish Constitution established a model of a state with three levels of government and administration: central, regional and local. The completed constitution is composed of 17 autonomous communities and two autonomous cities. The local model, which is divided into municipal and provincial subdivisions, is comprised of more than 8,100 municipalities and 50 provinces (Nivero de Jaime 2009, 67).

Slovenia – by far the youngest of the selected countries – has only one tier of local government. On the territory of what is now Slovenia, local government had already been introduced in the mid-1800s by the Austrian act on municipalities, signed by the then Kaiser in 1849. The first municipal representative bodies in Carniola were elected in 1850. Sixteen years later an act on municipalities was adopted, and from then on legislative regulation of local government was performed continually until 1955, when a socialist communal system was introduced, de facto abolishing local government. In the communal system, the municipality was a so-called socio-political community that primarily acted in the name of the state, whereas local government proper existed in part only in local communities at the sub-municipal level (Haček *et al.* 2017, 113).

After Slovenia gained independence in 1991, the introduction of local government was one of the most important and difficult tasks, as this represented radical change in the then-self-governing communal organization in the direction of the "classical local government" of the European type. The first steps were preparations for creating the technical groundwork to support the project of local government which had already been prepared in 1989, the adoption of the new Slovenian Constitution with a significant emphasis on local government at the end of 1991, and the adoption of the basic law on

local government in December 1993. Foundations for the implementation of the reform of local government were laid with the adoption of the Act of Referendum for the establishment of municipalities in 1994, when 147 municipalities were established. In Slovenia, local-self-government has been in operation since January 1995, when the old system was finally replaced and territorially modified municipalities, having new substance and new representative bodies, became operational.

At every local election since 1998 new municipalities have been established (the latest municipality was established in autumn 2014), bringing the current number of municipalities to 212.

This brief review shows that local government development has significantly different historical roots in the three selected countries. However, the lowest local government unit is the municipality, which ensures the delivery of community services to the population. Municipalities, which are very diverse both in terms of localization, size, organization and resources, manage basic local public services such as distribution networks (water, waste, public transport, public lighting, etc.), leisure and living environment services (urban planning, protection of the environment, etc.), and are also in charge of primary education and social services (Hermenier 2009). For the effective and efficient performance of public services, municipalities require leadership, which is confronted with the everyday challenges of a troubled environment. With this contextual setting in mind, we move on to explore the mayoral office in all three selected cases.

3   Who puts the mayor into office?: The role of, and elections for mayor

There are several reasons why local political leaders and leadership should be subject to extensive research that uses a comparative perspective (Paige 1977; Nixon 1982; Wiatr 1988). One of the most important reasons for a comparative approach relates to the fact that the local government settings in which local leaders work differ considerably. Thus, by comparing local leaders and their activities, we can discover much about local leadership and reveal important information about the local government system and local democracy of a particular country (Farrell 1970).

Different structures of governance imply different roles for local actors and for local political elites, including local political leaders. Within the context of local governance, these are crucial for the development of local democracy. Mayors have to deal with economic and social conflicts that arise in the community. They are also accountable for successes (or failures) in resolving these problems and for the development of a civil culture of democracy (Linder and Heierli 1999, 2) that embraces values of inclusion, tolerance and openness. In democracies, mayors are meant to be responsive to their electorate – they listen to their wishes, are open to participation, to propositions and advice from different actors and they try to seek or negotiate compromises. In most settings, the behaviour of mayors is of important symbolic as well as instrumental

significance and is, at least to some extent, affected by their beliefs about local democracy.

In recent decades ensuring the satisfaction of citizens through service delivery has become an important task for local leaders (Haus and Sweeting 2006, 155; Sweeting and Copus 2012), entailing the increasing presence of the marketization of political relationships and the stimulation of competition within the public sector. Additionally, as local leaders act as mediators seeking compromise between different interest groups and other local actors, they are seen as conflict dealers in situations where none of the different actors or groups is strong enough to enforce a solution against the will of the others (Haus and Sweeting 2006).

We start our analysis of local leaders with evidence from **English** local government. The Local Government Act from 2000 radically transformed the structure of political decision-making in local government, and Part II of the Act required all councils with populations above 85,000 to introduce one of three new-style executive political decision-making arrangements. The three executive options available under the Act were: (1) a directly elected executive mayor and cabinet, (2) a mayor and council manager (an option removed by the Local Government and Public Involvement in Health Act 2007), and (3) an indirectly elected executive leader and cabinet (Copus 2018, 500).

The indirectly elected leader and cabinet option was preferred by the overwhelming majority of councils, which is not surprising as this option represents the least change to existing practices and structures and maintains the right of councillors to choose local leaders. Here, the council, but in reality the ruling party group, selects one of its members to be leader. A cabinet of up to nine councillors (plus the leader of the council) is formed, again, normally from the majority party group, unless the council has no overall control. The leader and cabinet form the council's political executive. The system is not dissimilar to that which existed prior to the 2000 Act when the ruling group would ensure that the council appointed its leader as council leader and went on to elect a number of committee chairs and vice-chairs from among its number. The main difference is that, since the 2000 Act, individual councillors can have decision-making delegated directly to them – much like government ministers.

The directly elected mayor is the executive political head of the council, but, unlike a council leader, all the voters in a council area elect him or her. There are two ways in which an elected mayor can be introduced through the council's executive arrangements: (1) a referendum is held after the collection of a petition signed by 5% of local people which delivers a "yes" vote, following which an election for a mayor must be held within six months, or (2) a council meeting can vote to introduce an elected mayor – without a referendum. Much debate has centred on the issue of a directly elected mayor, a political office very different from the current ceremonial mayor that chairs council meetings. Despite many councillors complaining that the mayoral office should see that the concentration of power is in the hands of a single individual, the reality is different from

that which is often claimed (Copus 2006). The directly elected mayor has broadly similar powers to those of the indirectly elected leader. The elected mayor is elected by all the voters in a council area, not just by councillors, and thus has a direct electoral mandate that is far more powerful and legitimate than the indirect one granted to a council leader by fellow councillors. The directly elected mayor is elected through a supplementary vote system, where voters place a cross in a first- and second-preference column against their preferred two candidates (Copus and Dadd 2014). After the first count, if no single candidate receives fifty percent of the votes cast, all but the top two candidates are eliminated and the second-preference votes are redistributed to the remaining candidates.

The introduction of directly elected mayors has brought into existence a highly visible local political head of the council with responsibility for providing political leadership, proposing a policy framework for the council, preparing the council's budget and taking executive decisions. Directly elected mayors on the surface appear to be a radical change for local government, but the mayors and councils on which they serve were given no new powers that would clearly distinguish them and their councils from any non-mayoral councils of the same type. It is thus not so much the power of the mayor that is different, but rather how they get the job, and here it is the voters that decide instead of a handful of councillors from the ruling group on the council (Copus 2018, 500).

Between 2000 and October 2016, 53 mayoral referendums were held across England, of which only 16 delivered a "yes" vote. This figure includes the ten referendums in English cities in May 2012 required by the government under the Localism Act 2011. Two councils – Stoke and Hartlepool – subsequently eliminated the office of directly elected mayor and returned to a system with an indirectly elected council leader. However, two councils – Liverpool and Leicester – resolved to introduce an elected mayor under powers granted by the 2007 Local Government and Public Involvement in Health Act, which allowed councils, following a two-thirds majority decision by councillors, to adopt an elected mayor without a local referendum. What was clear after the initial round of mayoral elections in 2002 was that voters in at least half the mayoral contests had taken the opportunity the new arrangements had given them to reject candidates from political parties, and often from the party that had long controlled the council. Political parties have since regained territory in mayoral elections, and in 2016 only two mayors were independents. Taken as a whole, out of 352 English councils, only 16, excluding London, are headed by a directly elected mayor (Copus 2011; Fenwick and Elcock 2014; Copus 2018).

On the other hand, **Spanish** mayors *(alcaldes)* have had an effective leadership role for decades and are strong and visible local leaders; some authors (Magre and Bertrana 2005; 2007) even talk about the presidentialism of Spanish mayors (Wollmann 2012). Comparative studies rank them as among the strongest mayors in Europe, and one study has categorized them as "directly elected mayors" (Heinelt and Hlepas 2006). Spanish mayors are, however, indirectly elected by councillors, and only those candidates that are at the head of their party lists can become mayors.[2] While coalitions between smaller

parties that support a mayor are possible, the mayor is usually the head of the largest party group of elected councillors, and that party will in most cases have either a majority of votes, or will have been the most- voted-for party (Navarro and Sweeting 2014).[3] Local elections appear as contests between candidates for mayor, rather than between lists of candidates for local council. The campaigns are very personalized and focused on the heads of the list – i.e. only on those candidates who can become mayor. Although the formal election of the mayor is in the hands of the councillors (of the political parties in reality), the fact that only the head of the list can occupy the mayor's office gives voters a controlling influence over the election of the mayor. The legitimacy required to occupy the mayoral position is also reinforced by the fact that electoral participation in Spain is high in comparative terms.

Legal provisions identify the mayor as the head of the municipal corporation, and in a context when the powers and influence of appointed council officers are relatively weak, is in overall political and administrative control of council bureaucracy. The mayor has the formal power of appointing deputy mayors and members of the governing board and sets the full council agenda. The clearly defined hierarchy in the municipality facilitates the effectiveness of the decision-making process and the implementation of policy priorities. The mayor has the general power of direction and the support of the government team to make decisions, more so than many other European mayors. In the Spanish case, the concentration of power is seen (rather dangerously) as an advantage, enabling the mayor to implement the party's electoral program (Navarro and Sweeting 2014). Beyond the internal activity of the municipality, the mayor represents the community to the outside world. Local media usually generously cover the activities of the town hall, often focusing on mayoral activities (Navarro and Sweeting 2014).

Since the transformation to democracy, Spanish mayors have been the central figures in local government and politics in their areas, despite the fact that they lead municipalities with limited powers. As city leaders they have full legitimacy and their indirectly elected status does not prevent them from wielding considerable influence in local governance. In addition to the formal prerogatives granted by law, a very personalized leadership culture and loyalty to the party on behalf of councillors adds to their potency (Sweeting 2009). These informal rules are essential for maintaining the strong position of the mayor. The visibility of the mayor's office is a clear feature of the Spanish system, and the mayor is undoubtedly the political leader of the municipality.

In **Slovenia** voters elect mayors directly for a four-year term of office. The right to vote is conferred upon voters who have permanent residence in the municipality (The Local Self-Government Act 2007, Article 42). The right to vote and to be elected as mayor is conferred upon every citizen who has the right to vote in elections to the municipal council. The Slovenian system of local government features a fairly simple candidacy procedure, since mayoral candidates can be proposed by political parties or groups of voters. If the latter is the case, the candidacy must be supported by a number of signatures equal to at least two percent of all voters who have cast their votes in the first round of

the most recent mayoral election, yet this number must not be less than fifteen, and need not be more than 2,500. Mayoral elections use a double-round absolute majority vote system; in other words, the candidate who receives the absolute majority of the votes that are cast is elected as the mayor. If none of the candidates receive the majority of the votes that are cast, a second round of elections is held between the two candidates who received the greatest number of votes in the preceding round. If two or more candidates receive the same highest number of votes, or if two or more candidates receive the same second highest number of votes, the choice of candidates that will enter the second round, which has to be held no later than 21 days after the first round, is determined by lot.

As mentioned, mayoral candidates can be determined by political parties and groups of voters. Non-partisan candidates can submit their candidacies if they are supported by groups of voters; the size of any such group is ultimately determined by the size of the municipality in which such candidate is proposed. In this way, non-partisan candidates have a relatively simple way of asserting their passive suffrage, a claim which is also confirmed by empirical data about local elections since the 1990s. These reveal that non-partisan candidates have been increasingly successful, as the proportion of elected candidates relative to the number of candidacies submitted is significant. Haček (2010, 43) concludes that the absolute number of mayors who, at least formally, have not run for the office as members of political parties has been constantly increasing; ever since the 1998 local elections, the greatest number of municipalities that have had mayors who have not been proposed by any political party has increased (43 at the 1998 local elections, 59 in 2002, 66 in 2006, 70 in 2010 and 115 in 2014).

In accordance with the organization of the work of the municipality and the distribution of competences within the municipality's tasks across municipal bodies, the function of the mayor is at the same time both executive and coordinative. In addition, the mayor has various functions in relation to the municipal council as well as varying influence on its operation. On the one hand, the mayor's responsibility is to take care of the implementation of decisions adopted by the municipal council; on the other, he or she has an important function in proposing an array of decisions to the municipal council, and finally overseeing the lawfulness of the latter's operation (Kaučič and Grad 2008, 369–370).

The mayor is the "master" of the municipality. Namely, by signing different contracts, inviting public tenders, through rational and economical implementation of the budget, and consistent adherence to the principle of good diligence, and all of this on a daily basis, the mayor takes care of the municipality's assets and increases its value and quality. Their task is also to summon citizens' assemblies and (when people's lives and/or property are compromised) to adopt urgent measures (Prašnikar 2000, 46). However, the mayor's most important function is to be the head of the municipal administration. Mayors are sovereign and practically "untouchable" throughout their entire term of office. Together with the municipal administration that they head, mayors can pursue a very independent policy in the municipality, regardless of that pursued by the municipal

council. However, this can be problematic in cases when the elected mayor does not come from one of the political parties that control a majority in the municipal council. The Slovenian mayor is thus the central figure in the Slovenian local government system and, being an individual, one-person body, is the most recognized political figure among the citizenry (Kukovič 2018).

In this section we have put emphasis on the characteristics of mayors in three different countries. We analysed who is responsible for putting mayors into office and what the role of these mayors is once they occupy office. In this regard, each country uses different mechanisms. In England, executive mayors can be elected directly by voters or indirectly among local councillors; in Spain, the plenary assembly elects the mayor, with a legal clause providing for the candidate of the best-supported party to be automatically elected mayor when the full council cannot agree, which in fact means that voters have considerable influence on the election of the mayor. In Slovenia, direct elections of mayors are in use, whereby citizens themselves decide who will occupy the most recognizable position at the local level. In the next section we discuss the size of local councils and how the role of these representative bodies is perceived in each national setting.

4   The local council: legislative body and meeting point of political interests

Of all the issues that democracies face, legitimacy and democratic accountability rank among the most important (Norris 2011), a fact reflected in a burgeoning literature that addresses what is commonly referred to as the democratic deficit. The debate also extends to the local level, where it has been argued that there is a need for greater transparency and accountability in the decision-making process as a means of responding to declining voter turnout and the necessity of having appropriate structures for tackling the evermore complex and interlinked problems that local decision-makers face (Wollmann 2008; Kukovič *et al.* 2015, 694). Local government gains legitimacy through having representatives elected to it (Sharpe 1970, 168). Elections are crucial as they enable voters to choose between different representatives, hold decision-makers to account, and signal their views about election commitments. The representative form of local democracy enables a variety of interests – geographical, party, class, gender – to be represented in some sort of assembly which is the sovereign decision-making organ of government (Sweeting and Copus 2012, 22). According to Copus and Steyvers (2017), crucial to understanding how elected representatives operate and drawing lessons from their action is recognizing the implications of how these leaders are located within differing constitutional settlements.

In **England**, the local council is a dual-purpose body: it is a politically representative institution which operates as the foundation of any healthy, well-functioning democracy; it is also a vehicle through which the public services vital to modern industrial welfare states are organized, provided, commissioned or overseen. These two broad central purposes of local government mask, however, the complexity of local government as an

organization, but they also capture the two interrelated council worlds that the councillor must navigate. Being a councillor means running, or taking part in the running of, a large, complex, multifaceted organization which has its own separate administrative and managerial structure. The interaction councillors have with the managerial and administrative staff of the council is shaped by the type of councillor they are – leading member, majority group member, opposition member, for example; by the nature of the subject matter being explored – strategic policy issues, casework, ward-based concerns; and by the setting in which the interaction occurs – formal council meeting, informal discussion, or a forum which is external to the council. The council is a politically representative and elected body, and councillors and council meetings are the vehicle for the legitimate expression of the views, opinions and priorities of local citizens (Copus and Wall 2017).

Local government has a legitimate governing role within and across the community. Consequently, it is the setting for political interaction and decision making that reflects the ideological and policy preferences of councillors. Currently, some 92% of principal authority councillors in England are elected as candidates from either the Conservative and Labour Parties or the Liberal Democrats. Party politics looms large in the relationship councillors have with the council. What becomes clear very quickly however, is that parish and town councils are far from party politicized, yet even at the first tier of local government – the parish and town – national political party councillors are found working alongside councillors independent of party. National political parties do not, however, have the penetration into parish government that they do at the principal authority level (Copus and Wall 2017, 16–17).

In most of England, there are two tiers (county and district) with responsibility for services split between the two. County councils cover the entire county area and provide around eighty per cent of services. Within the county, there are several district councils which cover a smaller area and provide more local services. However, London, other metropolitan areas, and some parts of shire England operate under a single-tier council structure.

In total, there are five possible types of local authority in England. These are:
1. County councils – which cover the whole county and provide eighty percent of services in these areas, including children's services and adult social care.
2. District councils – which cover a smaller area within a county, providing more local services (such as housing, local planning, waste and leisure but not children's services or adult social care); these can be called district, borough or city councils.
3. Unitary authorities – referring to just one level of local government responsible for all local services, can also be called a council (e.g. Medway Council), a city council (e.g. Nottingham City Council) or borough council (e.g. Reading Borough Council).
4. London boroughs – where each of the 32 boroughs is a unitary authority.

5. Metropolitan districts – effectively unitary authorities, the name being a relic of past organizational arrangements. These can be called metropolitan boroughs or city councils (LGIU 2018).

There are 352 principal (unitary, upper and second tier) councils in England (27 county councils, 201 district councils, 32 London Boroughs, 36 Metropolitan Boroughs, 55 Unitary authorities; in addition there are two Sui Generis authorities – the City of London Corporation and the Isles of Scilly). Across England there are some 18,000 councillors (LGIU 2018) all elected using the first-past-the-post simple majority system of voting.

In **Spain**, the collective decision-making body (local council) for municipalities is the "*pleno*". This is the plenary, the deliberative body of the Town Hall (the *ayuntamiento*) formed by elected councillors, and presided over by the "*alcalde*" (the mayor).

The members of the local council are directly elected by universal suffrage and according to proportional representation, using the D'Hondt method and a closed list of proportional representation, with a threshold of five percent of valid voters being applied in each local council. Parties not reaching the threshold are not taken into consideration for seat distribution. councillors of municipalities with populations of less than 250 inhabitants are elected under an open list, with electors voting for individual candidates instead of parties. The council is elected every four years, and cannot be dissolved. There is no limit to the number of times councillors may be re-elected. If they die, resign, or are dismissed, the next person on the electoral list of their political party replaces them; therefore, there are no by-elections. The law requires that the council meet in full session at least every three months; either the mayor or one-quarter of all councillors can call extraordinary sessions.

The population of the municipality determines the number of council members; the latter are allocated to municipal councils based on the following scale:
- Less than 100 inhabitants: 3 councillors;
- 100–250: 5 councillors;
- 251–1,000: 7 councillors;
- 1,001–2,000: 9 councillors;
- 2,001–5,000: 11 councillors;
- 5,001–10,000: 13 councillors;
- 10,001–20,000: 17 councillors;
- 20,001–50,000: 21 councillors;
- 50,001–100,000: 25 councillors;
- Over 100,001: + 1 per 100,000 inhabitants or fraction thereof; + 1 if the total is an even number (Navarro and Sweeting 2013, 3)

The number of councillors and the population do not increase proportionately – the latter rise much more than the former. As the analysis from 2006 in Table 1 shows, about half

of the voting population of Spain live in authorities with more than 50,000 inhabitants each.

Table 1: Municipalities and councillors in Spain

Population size of municipality	Number of voters	Per cent of voters	Per cent municipalities	Number of councillors	Per cent of councillors
Up to 250 inhabitants	299,491	0.9	28.9	8,680	13.3
251–5000	5,075,436	15.1	57.0	37,348	57.2
5001–20,000	6,718,903	20.0	10.5	12,306	18.9
20,000–50,000	4,119,461	12.3	2.1	3,696	5.7
Above 50,000	17,372,666	51.7	1.5	3,235	5.0
Total	33,585,957	100.0	100.0	65,265	100.2

Source: see Delgado (2006, 166).

At the last local elections in 2015, Spanish voters elected 67,515 councillors in the country's 8,122 municipalities. The smallest have only a handful of residents, whereas the largest, Madrid, has well over three million. Municipalities are financed by grants from upper levels of government, local taxes, and fees and charges, though the weight of public spending is concentrated at regional and national levels (Sweeting 2012). Municipalities with more than 50,000 inhabitants provide a range of services including public transport, waste collection and disposal, street cleaning, leisure facilities, police and fire services – and many larger authorities provide many more services.

The central body of **Slovenian** local government is the municipal council, which is the highest authority for decision-making regarding all matters within the scope of the rights and obligations of the municipality. It is elected in direct, general and free elections, by secret ballot cast by the inhabitants of the municipality, for a term of office lasting four years. Municipal councils are elected at general elections by the citizens of each municipality every four years; both one-round relative majority and proportional electoral systems are in use, the first in smaller municipalities (of up to 3,000 inhabitants) and the latter in all other municipalities, where both the D'Hondt and Hare methods of seat allocation are used. There are 3,369 local councillors in 212 municipal councils across Slovenia.

A municipal council can have from 7 to 45 members, depending on the total number of residents in the municipality. Thus, a municipal council has the following number of members:
- 7–11 municipal councillors for up to 3,000 inhabitants;
- 12–15 municipal councillors for up to 5,000 inhabitants;
- 16–19 municipal councillors for up to 10,000 inhabitants;
- 20–23 municipal councillors for up to 15,000 inhabitants;

- 24–27 municipal councillors for up to 20,000 inhabitants;
- 28–31 municipal councillors for up to 30,000 inhabitants;
- 32–35 municipal councillors for more than 30,000 inhabitants;
- 36–45 municipal councillors for more than 100,000 inhabitants.

The competences of the municipal council include the following: adoption of the statute of the municipality, of municipal decrees and other municipal legal acts; adoption of spatial and other developmental plans of the municipality; the adoption of the municipal budget and its balance sheet; appointment and dismissal of the members of the supervisory committee and members of commissions and committees of the municipal council; appointment and dismissal of representatives of the municipality in the advisory committee of the head of the administrative unit; and, decision-making concerning the acquisition and alienation of real estate and control over the performance of duties by the mayor, deputy-mayor(s) and the municipal administration – with regard to the implementation of decisions adopted by the municipal council (The Local Self-Government Act 2007, Article 29).

The most important act of general application adopted by the municipal council is the statute that sets out the basic principles for the organization and functioning of the municipality, the creation and authorities of municipal bodies, the organization of the municipal administration and public services, the method of citizen participation in decision-making in the municipality and other issues of common concern in the municipality. The statute is adopted by the municipal council by a two-thirds majority of all members. In addition to the statute, the municipality governs matters within its competence, especially through decrees and ordinances, rules and instructions.

With this section of the chapter we have displayed the complexity and variety in the collective body known as the local council. The analysis shows that local councillors are, according to the concept of representative democracy, directly elected by citizens in all three national settings of local government and have very similar competencies and functions. However, the organization differs among the selected countries and it may be subject to consideration which national settlement ensures better representation of interests and greater legitimacy.

5   Conclusion

The chapter has illustrated the richness of local government systems, as exemplified through an exploration of our three case study countries: England, Spain and Slovenia. We selected these three countries to provide different examples of the issues we wished to explore and because they have emerged and developed from different local government traditions, with Northern and Southern typologies and historical traditions illuminated by England and Spain, and the Slovenian case used to provide a Central Eastern European example. Indeed, Slovenia as a nation did not exist when the Page and

Goldsmith typology (1987) was constructed, although it was part of Swianiewicz's (2014) typology.

We have described how local political systems are extremely country- and context-specific, as would be expected. But such a conclusion does not damage the comparison we have conducted, nor the need to understand and systematize our knowledge about local government systems. This is because there are three primary components of local political systems which cut across systems and national / historical settings. First, decision-making power is given to local elected officials to allow them to fulfil fundamental functions and represent the preferences of citizens in the decision-making process. Second, there is the existence of political, governing, economic, financial, social and technological incentives that encourage local political leaders to represent their constituents. Third, there are mechanisms that hold the local government and its elected and non-elected officials accountable for the appropriate use of their decision-making roles and powers (Boex and Simatupang 2015). The institutional context for the effectiveness of local political systems and local political leadership within which forces of discretion, incentives and accountability interact is provided by (1) the internal political organization of the local government, which means either the separation of powers between councillors and a local political executive and leadership, or a blurred system where the executive is drawn from and responsible to councillors; (2) the manner in which the local executive (mayor) and councillors are elected (including the representation of women and disadvantaged groups); (3) the nature of the political party system and the degree of national or local / regional party control of local government; (4) the vertical separation of powers between types of councils, tiers or other levels of sub-national government; (5) the effective control that the political leadership has over its management team and over local administration at large; and (6) non-electoral aspects of local political participation and accountability.

The idea behind this chapter was to provide insight into local government in different countries and to stimulate thinking about systems, local politics and leadership choices that result in systemic differences (and to explain why these differences emerge and what they mean), and about different conceptualizations of the role, purpose and value of local government within the overall system of government of any one nation. The power and beauty of local government involves its fundamentally different historical trajectories, different traditions and political cultures connected with specific local political development, combined with how broader national developments influence and shape local government and are in turn shaped by local government. Despite the different attitudes towards local democracy that exist among academics, national governments, and national and local politicians, we conclude that while local government is "only local," and as a consequence may be seen by regional, state or central governments as a potential plaything to be reshaped, reorganized and remolded to suit the needs of other tiers of government, it is still an essential part of any modern democratic state. Moreover, we detect that local government is experiencing rehabilitation, rejuvenation and revival due to the fact that citizens in most countries are less than content with their level of

inclusion and ability to influence national and supra-national governmental organizations. They are therefore seeking refuge in local democracy as the most basic pillar of democratic representation as well as development in modern society.

Notes:

[1] The differences between the countries in Northern and Southern Europe have their roots in historical development. In the Northern European countries of the eighteenth and nineteenth centuries, the central (state) power did not develop a centralized bureaucracy but, along with local elites, implemented national policies (Page 1991). Education was decentralized – under the jurisdiction of local institutions – and in many countries the Protestant church remained part of the state. Strict and impartially enforced national legislation, as well as a professional and effective civil service, secured the unity of modern statehood. Later, when countries responded to demands for equality, legal entitlement and social security, a social protection system was established whereby local authorities became responsible for social public services. In Southern Europe, a model of the Napoleonic state spread across all modern national countries which led to the development of a unified administration throughout these territories, and education systems being managed directly from the country's capital. The central authority looked at local elites with mistrust and therefore built its own territorial organization with a directly established administrative body. In the twentieth century, social states began to appear in Southern Europe, giving central authorities new competencies (Heinelt and Hlepas 2006, 23–24).

[2] Voting for mayors involves an indirect election except in the "*concejo abierto*" system, where local residents vote for their mayor directly. However, this system operates in very small municipalities only (Ministerio de Administraciones Publicas 2018).

[3] A legal clause provides for the candidate of the most-voted-for party to be automatically elected to the post of mayor in the event that no other candidate gathers an absolute majority of councillor votes.

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