

# **Do changing institutions matter? The role of the local councillors in Flanders after the local government reform**

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**Workshop ‘The Developing Role of the Councillor in a Comparative European Context: Attitudes, Assumptions and Perceptions towards Aspects of Local Democracy’**

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# 1. Introduction<sup>1</sup>

Like in many other European countries, the Belgian local governments underwent several changes during the last decade (Kersting & Vetter, 2003; Caulfield & Larsen, 2002). The fifth federal state reform in Belgium made the regional states responsible for the legislation of the local and provincial governments. This legislation is no longer a responsibility of the federal state (Reynaert & Steyvers, 2003). Every region in Belgium (the Flemish, the Walloon and the Brussels region) now has its own Local Government Act<sup>2</sup>. The Brussels LGA is not very different from the former federal LGA. The Flemish and the Walloon LGAs contain more innovations for the local governments. But the Flemish and the Walloon LGAs also differ from each other. Some articles of the Walloon LGA (Code de la Démocratie Locale et de la Décentralisation) cannot be found in the Flemish LGA and some of the articles of the Flemish LGA don't appear in the Walloon LGA. The appointment of the mayor is an example of the differences between both LGAs. The Flemish government appoints the mayor out of the group of the elected local councillors. In the Walloon region the candidate who received most votes in the election and whose party is the biggest party in the coalition will become the mayor. Unlike the Flemish situation, the elections of the Walloon mayor are more focused on the person of the mayor. Another difference between both Acts is that the Walloon local council can introduce a constructive motion of mistrust against the whole board of mayor and aldermen or against one or more aldermen. This motion is only valid if the local council proposes a successor for the whole board or one or more aldermen. These elements are not included in the Flemish LGA. Because this research acts upon instructions from the Flemish government, we didn't examine the effects of the Walloon LGA.

On the 6<sup>th</sup> of July 2005 the Flemish Parliament voted the first Flemish LGA. Most articles of the Act came into operation on the 1<sup>st</sup> of January 2007, after the local elections in October 2006. The newly appointed local governments could immediately start to implement the new LGA. Concerning the organizational structure of the local governments, the LGA introduces some features of the New Public Management. Setting up a management team and working with a strategic long-range plan should be a step forward into making the local administration more efficient and effective (Suykens, 2006).

This paper focuses on the role the LGA tries to impose on the Flemish local governments and its councillors. We want to examine to what extent the instruments offered by the LGA to strengthen the role of the local council and its councillors effectively result in a strengthened council. Furthermore we want to investigate whether it's possible to change the local council's functioning by an act or, as in this case, a decree. The next chapter pays attention to the changes for the local councillors since the introduction of the LGA. Subsequently we discuss our research design. We made an appeal to the local councillors' perceptions about the LGA to measure the strengthening of the local council's role or the lack of strengthening. The following chapters deal

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<sup>1</sup> This text is based on research conducted within the frame of the Policy Research Centre on Governmental organization in Flanders (SBOV II - 2007-2011), funded by the Flemish government. The views expressed herein are those of the authors and not those of the Flemish government.

<sup>2</sup> We will use the abbreviation 'LGA' to refer to the Local Government Act. The Flemish and Walloon regions legislate decrees and the Brussels region legislates ordinances. To keep it clear we will use the term 'Local Government Act'.

with the results of this extensive survey. The most important goal of this paper is to check to what extent the local councillors are able to notice a shift towards a strengthened council as a consequence of the use of the several instruments offered by the LGA.

## 2. The role of the local council according the Flemish LGA

The LGA emphasizes some general goals for the local governments. Examples of these goals are to grant the local administration an essential role in the management cycle, to organize a cooperation between the elected councillors and the local administration and to modernize the local financial policy. Concerning the role of the political bodies the LGA aims at a strengthening of the local council and the position of the elected councillors. The Explanatory Memorandum of the LGA translates this strengthening as:

- the regulation of the local government's competences, which allows the local council to navigate on the main policy lines;
- a transparent regulation to designate the council's chairman, the aldermen and to appoint the mayor;
- a clear-cut profile of the elected council with regard to the executive board;
- stronger instruments for an effective democratic control on the board and the administration.

Not so much by imposing obligations, but by offering several instruments to the local governments, the LGA attempts to realize a strengthening of the local council's role (Reynaert & Steyvers, 2006). Every municipality is able to decide to what extent they will make use of these instruments.

This set of instruments offered by the LGA is rather limited, certainly if we compare the LGA with '*De Proeve van Vlaams Gemeentedecreet*', a proposal written by some academics by order of the Flemish Government after the fifth federal state reform. According to '*De Proeve*', mayors and aldermen would, after their election, no longer be a member of the local council. The council would choose its own chairman. Like the Walloon LGA the council would be capable of introducing a constructive motion of mistrust against the complete board or one or more aldermen. '*De Proeve*' considered the combination of a local mandate and a federal or regional mandate as incompatible (Maes & Boes, 2001). There were also some attempts to evolve towards a directly elected mayor, but these attempts eventually failed.

The final version of the LGA is less far-reaching than the several unsuccessful attempts to construct a new act. So which instruments does the LGA provide to realize a strengthening of the local council? The first instrument is the possibility to disconnect the function of the mayor and the local council's chairmanship. According to the Explanatory Memorandum "*the possibility to appoint a councillor, who isn't member of the executive board, as the council's chairman can contribute to the strengthening of the council's role as a supervising body with regard to the executive board of mayor and aldermen*". A local councillor who doesn't exercise an executive mandate would have a more independent position as a chairman with regard to the executive board.

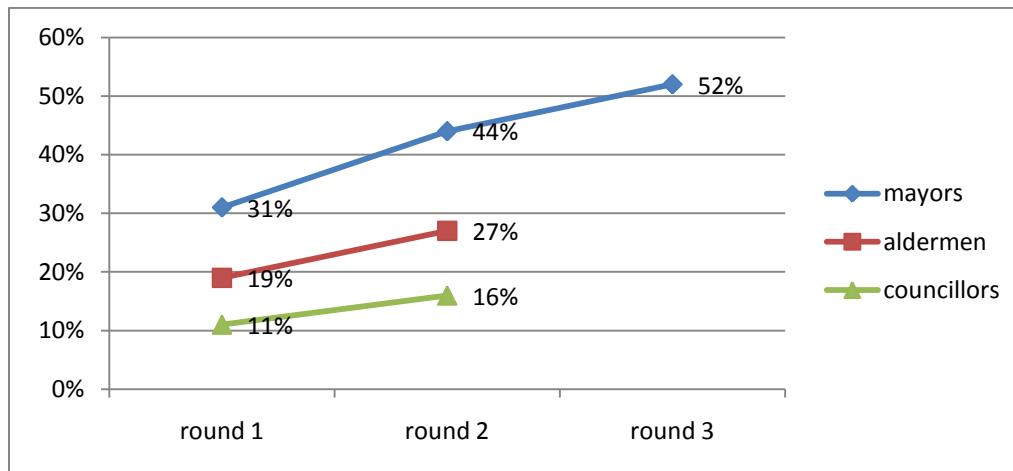
A second instrument proposed by the LGA to the council is the possibility to delegate competences to the board on an extensive scale. By delegating these competences the council will have more time to focus on making more important policy choices and the council will have to make less detailed decisions.

The LGA aims at a strengthening of the council's controlling role and refers to the right of the councillors to interpellate and to inspect local government's documents. The New Government Act, the preceding LGA, already offered these rights to the councillors. These rights consist of the possibility to ask the board of mayor and aldermen oral and written questions, the right to add agenda items to the council's agenda, the right to inspect all documents concerning local government and the right to visit all institutions founded and managed by the local government. These instruments aren't an innovation at all for the local councillors in contrast to the disconnection of the mayoral function and the council's chairmanship and the possibility to delegate competences to the board of mayor and aldermen. If the local councillors think that the local council's role has been strengthened, we expect this rather to be a consequence of the real innovations of the LGA and not so much a consequence of the rights that already existed.

Furthermore the LGA offers the local governments a legal framework to appoint a staff to support the cabinet of the mayor and the aldermen, and the council's political parties. This staff can help local councillors to prepare themselves for the local council's meetings. In 2008 though we concluded that only three municipalities implemented the possibility to appoint a staff to support the local councillors. Therefore we will not further investigate the effects of this staff. The only obligatory innovation of the LGA is that members of the board of mayor and aldermen are not allowed to be a local committee's chairman. As a consequence especially majority councillors become a chairman rather than opposition councillors. About 10% of these chairmen are opposition councilors (Olislagers *et al.*, 2008). We will not discuss this chairman's role because this paper is limited to the local council's role and its committees are therefore excluded.

### **3. Research design**

This paper is based on data collected from all local councillors, including mayors and aldermen. These data are part of an extensive research organized in December 2008 and January 2009. Measuring the several local councillors' perceptions about the LGA was the most important purpose of this research. A questionnaire appeared to be the best method to measure perceptions (Billiet, 1992; Swanborn, 1987). To reach as many respondents as possible we didn't organize a survey. We made an appeal to the opinions of every mayor, alderman and councillor. More than 7000 local politicians received a questionnaire. We contacted every group (mayors, aldermen, councillors) in several ways. The graph below shows the response rates during the several rounds that were organized to reach all local councillors.



**Graph 1: Response questionnaire**

The questionnaires for the mayors were sent by post to the town hall. This was the first round and 31% of the mayors filled in their questionnaire. Mayors who didn't answer after this first round received a second letter by post encouraging them to fill in the questionnaire. 13% of all mayors reacted to this letter. Finally we sent the mayors who didn't react after these two rounds an e-mail including the questionnaire. Eventually 52% of all mayors took part in our research.

The aldermen received a questionnaire by post at the town hall, just like the mayors did. 19% of all aldermen participated in this first round. Due to the anonymity of the questionnaire it was impossible to check whether or not an alderman from a certain municipality had already filled in his questionnaire. Therefore we sent every alderman an e-mail including two messages. The first message thanked the aldermen who posted their questionnaire. The second message requested the other aldermen to fill in their questionnaire. After this e-mail 8% of the aldermen reacted. We didn't organize a third round. This would be confusing for the aldermen who already filled in their questionnaire after the first round, because they would receive a third call to participate. In total 23% of the aldermen took part in our research.

The first round to contact the local councillors without an executive mandate consisted of two parts. The majority of the councillors (64%) received an e-mail including the questionnaire. We couldn't find the e-mail addresses of all local councillors. Those councillors got their questionnaire delivered by post at their home addresses. We found this information on the websites of the municipalities. 11% of the local councillors filled in their questionnaire after this first round. During the second round we contacted the councillors again whose e-mail addresses we found.<sup>3</sup> Finally we decided to stop contacting the councillors after these two rounds. Only 5% of the local councillors decided to fill in the questionnaire after the second round. The total response is rather low (16%). Other recent studies involving Belgian and Dutch local councillors demonstrated that it's hard to persuade local councillors to take part in such research with questionnaires (Verhelst e.a., 2010; Berenschot, 2004). The total response of all local councillors (mayors, aldermen and councillors without an executive mandate) is 20% (N=1418). Distortions of the results are rather limited (Olislagers *et al.*, 2010). However, we suspect that more active

<sup>3</sup> Similar to the second round with the aldermen, some councillors without an executive mandate got confused after this second round. Councillors didn't always answer the questionnaire with the e-mail address we used to contact them. Those councillors also received a second e-mail to fill in the questionnaire, although they already answered the questionnaire. For this reason we didn't organize a third round to contact the councillors.

and motivated local councillors, who show some interest in the new LGA, decided to fill in the questionnaire.

We contacted the local councillors in three different ways, depending on their function in local government. We are capable of making distinctions between the mayors', aldermen's and councillors' perceptions about the LGA. When necessary and interesting in this paper we will split the answers of these three different groups to explain their perceptions.

#### 4. Strengthening of the local council's role

Previously we described the instruments offered by the LGA to strengthen the local council's role. We measured the strengthening of the local council based on the following statements:

- the local council's role as a controlling body has been reinforced in my municipality;
- the debating quality during the local council's meetings has improved;
- the local council has developed a long-term vision.

The first statement refers to the LGA's goal to exercise an effective democratic control over the executive board and the local administration. The second statement indicates whether the local council has adopted a sharpened profile towards the board of mayor and aldermen. The third statement refers to the development of a long-term vision in the local council and a local council that is focused on the main lines of the local policy instead of discussing details. We submitted these statements to the local councillors in our questionnaire. These three statements were presented in a five-point scale.<sup>4</sup> The next table illustrates the distribution of the answers of all local councillors, including mayors and aldermen.

	% disagree	% neither disagree/ nor agree	% agree	N <sub>tot</sub>
The local council's role as a controlling body has been reinforced in my municipality.	43,8	33,2	23,0	1325
The debating quality during the local council's meetings has been improved.	57,1	25,3	17,6	1334
The local council has developed a long-term vision.	53,6	25,8	20,6	1362

**Table 1: Strengthening of the local council**

We asked the local councillors whether they noticed changes towards a strengthened local council since the introduction of the new Flemish LGA. The answers for the three statements in table 1 demonstrate an almost identical pattern. According to about one fifth of all mayors, aldermen and local councillors the local council's role as a controlling body has been reinforced, the debating quality during the local council's meetings has improved and the local council has

<sup>4</sup> We also inserted the possibility to answer "don't know", but these answers are considered to be missing values, because only a limited number of local councillors answered this.

developed a long-term vision. A majority of all local councillors disagrees that the debating quality has improved and that the local council has developed a long-term vision. 44% of all local councillors is not convinced that the local council's role as a controlling body has been reinforced since the introduction of the LGA. A limited number of local councillors admits that their local council evolves towards a strengthened council. There are some differences of opinion between the mayors, the aldermen and the local councillors without an executive mandate. The local councillors assert more often, in comparison with the mayors and the aldermen, that the debating quality in the council has improved and that the local council has developed a long-term vision. The table below shows the opinions of the mayors, the aldermen and the local councillors separately. Only the respondents who agreed with these statements are presented in this table.

	Mayors	Aldermen	Councillors	P
The local council's role as a controlling body has been reinforced in my municipality.	22,9% N = 36	22,7% N = 89	23,1% N = 179	.000
The debating quality in during local council's meetings has been improved.	12,7% N = 20	14,2% N = 57	20,4% N = 158	.021
The local council has developed a long-term vision.	18,1% N = 28	15,9% N = 65	23,6% N = 188	.027

**Table 2: Strengthening of the local council according the councillors' function**

About one fourth of the local councillors without an executive mandate thinks that the local council's role as a controlling body has been reinforced, that the debating quality during the local council's meetings has improved and that the local council has developed a long-term vision. Mayors and aldermen agree with the local councillors concerning the council's role as a controlling body. Unlike the local councillors without an executive mandate, the mayors and aldermen notice less positive changes in the debating quality of the local council's meetings and the development of a long-term vision in the council. Mayors and aldermen are the least convinced that the debating quality during the local council's meetings has improved.

Both table 1 and table 2 show us that the answers of all local councillors for these three statements exhibit a similar pattern. We discovered mediocre ( $> .300$ ) and strong ( $> .500$ ) correlations between these statements (Field, 2009). Local councillors who agreed with one of these statements are inclined to agree with the other statements. Those councillors who disagree with a particular statement are also inclined to disagree with the other statements. Next we control whether these statements aren't measuring the same factor. By using a factor analysis in SPSS we searched for a correlation between the statements. We did find one factor and the reliability analysis confirmed that we are dealing with a reliable scale (Cronbach's Alpha  $> .700$ ). Now we are able to merge these three variables (statements) into one new variable, which from now on we will call 'strengthening of the local council'. Table 3 presents the scores for this new variable. We split this variable in three, about equal, categories. The low group contains local councillors who don't notice many changes in the local council's functioning. The high group agrees that the local council is evolving towards a strengthened council. The middle group consists of local councillors whose scores for this new variable are not as low as the low group and not as high as the high group.

	Low	Middle	High	N <sub>tot</sub>
Strengthening of the local council	36,9%	42,1%	21,0%	1388

**Table 3: Strengthening of the local council (three categories)**

This table is actually a summary of table 1. About one fifth of all local councillors agreed with the three statements. The scores of this new variable ‘strengthening of the local council’ range from 3 (totally disagree) to 15 (totally agree). The low group contains local councillors whose answers for this new variable fluctuate between 3 and 6. The answers of the middle group range from 7 to 9. The high group scored 10 to 15. Local councillors were also able to respond ‘don’t know’. These councillors were excluded when we constructed the new variable ‘strengthening of the local council’. Most councillors are situated in the middle category. Instead of working with the three statements separately, we will now use this new variable ‘strengthening of the local council’ as our dependent variable. We merge the mayors’, aldermen’s and local councillors’ answers. The difference in opinions between the three types of councillors is not statistically significant. We will use the term local councillors for all local councillors, including those who exercise an executive mandate. We will explicitly mention when we examine the three groups separately.

In our questionnaire we gathered some features about the local councillors. Now we can use these features to acquire a more profound insight into the strengthening of the local council’s role. For example, we found some significant evidence that majority and opposition local councillors are not of the same opinion that the local council has been strengthened. The local councillors’ education level also causes significant differences in their opinions. We split their education level in two categories. Whether or not the councillors have a university degree separates them in two groups. Finally we also examine the local councillors’ experience in their current function in the local government. We split this experience in three categories. The first category contains local councillors with at most two years of experience in their current function. They are only used to work with the new LGA. They can’t make any comparisons with the previous situation. The second category consists of local councillors with at least three and at most eight years of experience. The third category is formed by local councillors with at least nine years of experience. These local councillors are capable of comparing several local councils’ functioning in their municipality. The following table calculates the independent t-tests for these features. This t-test presents the average scores obtained by each group of local councillors on the variable ‘strengthening of the local council’. This table also illustrates the percentage of councillors that was found in the high category of table 3.



		Strengthening of the local council	Std.dev.	% high	N
Majority ↔ opposition	Opposition	7,08	2,49	17,7	390
	Majority	7,71	2,45	22,3	998
	p = .000				
Education level	No university	7,82	2,52	25,1	821
	University	7,09	2,33	14,9	565
	p = .000				
Experience	≤ 2 years	7,57	2,64	23,6	592
	3 – 8 years	7,58	2,34	20,1	394
	≥ 9 years	7,41	2,34	17,9	396
	p = .518				

**Table 4: Strengthening of the local council according to features of the local councillors**

This table also includes the local councillors with an executive mandate. Of course these councillors belong to the local majority. The majority councillors admit more often than the opposition councillors that the local council's role has been reinforced. The opinions of the opposition councillors are comparable with the opinions of the local councillors with a university diploma. These highly educated councillors disagree more often in comparison with the less highly educated councillors that the local council's role has been strengthened. The local councillors' experience doesn't significantly influence their opinion on the strengthening of the local council. Although, we notice the more experienced the local councillors are, the less they record a strengthening of the local council's role. In the following chapters we will discuss the instruments offered by the LGA to strengthen the local council's role and we will examine to what extent these instruments contribute to the strengthening of the local council.

#### 4.1 Local council's chairman

The disconnection of the function of the mayor and the local council's chairmanship is not only a Belgian discussion. In several other European countries this disconnection caused or still causes debate. This separation of both functions reminds us of the dualistic process in the Dutch municipalities. The disconnection of the function of the mayor and the council's chairmanship is not included in the Dutch LGA. The Dutch mayor is still the local council's chairman, although the mayor is not entitled to vote in the council (De Groot, 2009; Steen, 2007).

The Flemish local councillors appoint the local council's chairman among the elected local councillors. The Explanatory Memorandum advises the local governments to appoint a local councillor who doesn't exercise an executive mandate as the local council's chairman *if they want to pursue a clear-cut separation between the local policy and the local management*. The Memorandum refers to two advantages if the local council's chairman doesn't combine his function with an executive mandate. One advantage is to reinforce the local council's role as a controlling body. A more independent position of the local council with regard to the board of mayor and aldermen is the other advantage. The High Council for Internal Authorities<sup>5</sup> had some

<sup>5</sup> The High Council for Internal Authorities is an advisory body. One of its most important tasks is to recommend the internal affairs of government. The High Council counts 16 members. 3 members are experts in the internal affairs, 8 members represent the Association of Flemish Municipalities and Cities and 5 members represent the Association of Provinces.

serious doubts about the separation of these functions. The High Council considered the council's chairman to be a *half-hearted figure* because the chairman wasn't given any extra competences. Moreover the High Council criticized the lack of an extensive profile and the lack of a supporting staff for this independent chairman (Hoge Raad voor Binnenlands Bestuur, 2005). Eventually one third of the Flemish municipalities decided to separate the mayoral function and the local council's chairmanship (Binnenband, 2005).

We examine whether the disconnection of the function of the mayor and the local council's chairmanship influences the strengthening of the local council's role according to the local councillors. By using a t-test we compare the average scores granted by the local councillors to this variable 'strengthening of the local council'. The higher this score, the more the local councillors are convinced of the strengthening of the local council's role.

	Strengthening of the local council	Std.dev.	% high	N <sub>tot</sub>
Mayor = council's chairman	7,39	2,45	19,3	888
Mayor ≠ council's chairman	7,81	2,48	23,9	476
p = .002				

**Table 5: Strengthening of the local council according to the local council chairmanship**

The separation of the mayoral function and the local council's chairmanship has a positive effect on the strengthening of the local council's role according to all local councillors. Local councillors who experienced a disconnection of the function of the mayor and the local council's chairmanship notice more often a strengthening of the local council. Although there isn't a big difference between both groups. However, the results are significant.

In table 4 we concluded that the opposition and the higher educated local councillors were less convinced of the local council's strengthening compared to the majority and less highly educated local councillors. In the next table we want to examine to what extent these rather critical local councillors differ from each other when the local council's chairmanship and the mayoral function are disconnected. We also include the local councillors' experience. Only the most experienced local councillors are shown in the next table. The local councillors' level of experience didn't significantly influence their opinions on the strengthening of the local council. Although in the next table we include the local councillors with the most years of experience, because they are most capable of comparing the local council's functioning before and after the introduction of the LGA. This table also illustrates the percentage of local councillors situated in the high category of table 3.

		Means	Std.dev.	% high	N
Opposition local councillors	Mayor = chairman	7,09	2,52	19,1	256
	Mayor ≠ chairman	6,99	2,43	13,8	123
	p = .435				
Higher educated local councillors	Mayor = chairman	6,81	2,22	11,5	357
	Mayor ≠ chairman	7,59	2,43	20,6	199
	p = .000				
Most experienced local councillors (≥ 9 years)	Mayor = chairman	7,26	2,34	17,0	247
	Mayor ≠ chairman	7,71	2,26	19,3	135
	p = .243				

**Table 6: Strengthening of the local council according to the local council's chairmanship and the more critical local councillors**

Table 7 doesn't show many significant results. Opposition councillors in municipalities with a separation of the mayoral function and the council's chairmanship less often see a strengthening of the local council's role than opposition councillors in municipalities without this disconnection. The differences between both groups aren't significant, though. In the category of the higher educated councillors the separation of the function of the mayor and the council's chairmanship plays a significant role in their opinions on the local council's strengthening. These councillors are more often convinced of the local council's strengthening if the mayoral function and the chairmanship are separated. Just like the opposition councillors, we couldn't find a significant difference between the most experienced councillors. Thus the separation of the function of the mayor and the local council's chairmanship hasn't got much influence on the more critical local councillors.

#### 4.2 Delegation to the board of mayor and aldermen

Another instrument to enable the local council to focus on the main lines of local policy and to make important decisions concerning the local politics is the local council's possibility to delegate several competences to the board of mayor and aldermen. The local council's competences to determine local regulations, to levy taxes and to provide the local budget can in no case be delegated to the board of mayor and aldermen. The LGA offers a limited list of competences which can't be delegated by the local council. Examples of this limited list are the competence to determine the local long-range plan or the local organization chart, the competence to appoint and to hire the city manager and the city clerk and the competence to approve the internal controlling system. In the summer of 2008 70% of the city managers said that the local council entrusted some competences to the board of mayor and aldermen. In the majority of these municipalities this delegation only involved competences of daily government. Only in a few municipalities this delegation consisted of more competences than only this daily government, for example the competence to appoint the members of the local management team (Olislagers *et al.*, 2008).

In our questionnaire we presented the local councillors some questions about this possibility to delegate to the local board. On the one hand we asked the local councillors whether they believed that the delegation of competences to the board wasn't far-reaching enough. On the other hand we measured to what extent the local councillors were convinced that the local councillors in

their municipality are reluctant to delegate more competences. The local councillors received these statements in a five-point scale.

	% disagree	% neither disagree/ nor agree	% agree	N <sub>tot</sub>
The delegation of competences to the local board isn't far-reaching enough in my municipality.	55,0	23,4	21,5	1348
The local councillors in my municipality are reluctant to delegate more competences to the board of mayor and aldermen.	28,0	34,5	37,5	1296

**Table 7: Delegation of competences from the local council to the board**

Despite the rather limited delegation to the board of mayor and aldermen, as shown by a questionnaire we organized in 2008, a majority of all local councillors thinks that the delegation of competences to the board of mayor and aldermen is far-reaching enough. One fifth of all local councillors is convinced that the delegation of competences to the board isn't far-reaching enough. The local councillors admit more often that the local councillors in their municipalities are reluctant to delegate more competences to the board of mayor and aldermen. 38% of all local councillors agrees with this last statement and 28% of all local councillors disagrees. We split the local councillors' answers according to their function in local government so we can discuss these statements with more accuracy.

	Mayors	Aldermen	Councillors	p
The delegation of competences to the local board isn't far-reaching enough in my municipality.	17,3% N = 27	22,4% N = 90	22,0% N = 174	.000
The local councillors in my municipality are reluctant to delegate more competences to the board of mayor and aldermen.	29,1% N = 44	34,5% N = 133	40,7% N = 309	.004

**Table 8: Delegation according to the function of the local councillors**

If we look at the answers of the different local councillors we notice that according to 22% of the aldermen and the local councillors without an executive mandate the delegation of competences to the board of mayor and aldermen isn't far-reaching enough in comparison with 17% of the mayors. The second statement demonstrates a larger divergence of views between the several local councillors. 29% of the mayors, 35% of the aldermen and 40% of the local councillors without an executive mandate claim that the local councillors in their municipality are reluctant to delegate more competences to the board of mayor and aldermen. According to the local councillors there isn't yet much support for the delegation of competences to the board. About one fifth of all local councillors admits that the delegation of competences to the board isn't far-reaching enough. Moreover, almost a majority of the local councillors agrees that the local councillors are reluctant to delegate more competences to the local board.

Till now we only discussed the perceptions of the local councillors on the possibility to delegate competences to the board of mayor and aldermen. Now we examine the effect of this delegation. According to the Explanatory Memorandum a possible effect of this extensive delegation is a local council that is concentrated on making the important policy decisions. A local council that is limited to focus on the main lines of the local policy also results in other, more practical, advantages for the functioning of the local council. One of the advantages is a decrease in the number of detailed discussions during the local council's meetings. The delegation of competences to the board of mayor and aldermen offers the possibility to adjust their policy to their own size and to introduce more diversity in the local government. The local governments are able to decide on their own how they will divide the competences. A possible consequence of this decision is that the local agenda items are limited to what is essential for the local government. Like the decrease in the number of detailed decisions and the number of agenda items, this delegation can limit the duration of the local council's meetings. To measure these effects, we presented the next statements to the local councillors:

- the number of detailed decisions has decreased during the local council's meetings;
- the number of agenda items has decreased during the local council's meetings;
- the duration of the local council's meetings has decreased.

Because we are dealing with actual questions, we didn't present these statements to the local councillors in a five-point scale. The local councillors were able to answer 'yes', 'no' or 'don't know'. The following table illustrates the distribution of the answers.

	% yes	% no	% don't know	N <sub>tot</sub>
The number of detailed decisions has decreased during the local council's meetings.	38,8	43,1	18,1	1395
The number of agenda items has decreased during the local council's meetings.	30,8	55,0	14,3	1401
The duration of the local council's meetings has decreased.	29,3	58,0	12,7	1401

**Table 9: Effects of delegation**

Because the local councillors who answered 'don't know' is a none negligible group, we include these councillors in table 9. Almost one fifth of all local councillors doesn't know whether the number of detailed decisions has decreased during the local council's meetings. Most local councillors (43%) disagree that the number of detailed decisions has decreased during the local council's meetings. More than one third of all local councillors (39%) agrees that the number of detailed decisions has decreased during the local council's meetings. A majority of all local councillors (55%) denies that the number of agenda items has shrunk during the local council's meetings. Less than a third of all local councillors (31%) agrees with this statement. We notice the same trend for the statement about the duration of the local council's meetings. A small majority (58%) disagrees that the duration of the local council's meetings has decreased. Less than a third of all local councillors (29%) is convinced that the duration of the local council's meetings has decreased. Again we found some variation in the answers of the local councillors

according to their function in local government. The next table illustrates the percentage of mayors, aldermen and local councillors without an executive mandate that agreed with the statements in the previous table.

	Mayors	Aldermen	Councillors	p
The number of detailed decisions during the local council's meetings.	38,9% N = 61	35,1% N = 144	40,6% N = 336	.000
The number of agenda items has decreased during the local council's meetings.	43,0% N = 68	32,7% N = 134	27,5% N = 833	.000
The duration of the local council's meetings has increased.	38,6% N = 61	33,4% N = 137	25,6% N = 213	.000

**Table 10: Effects of delegation according to the local councillors' functions**

Almost an identical number of mayors, aldermen and local councillors without an executive mandate are convinced that the number of detailed decisions has decreased during the local council's meetings since the introduction of the LGA. Especially the mayors notice a decrease in the number of agenda items during the local council's meetings. One third of the aldermen and over one fourth of the local councillors join these mayors and agree that the number of agenda items has decreased. Again the mayors conclude more often than the aldermen and the local councillors without an executive mandate that the duration of the local council's meetings has decreased. One third of the aldermen and one fourth of the local councillors have the same opinions as these mayors. We can conclude from table 10 that the mayors, compared to the aldermen and councillors, are more often convinced that the local council evolves towards a local council as proposed by the LGA.

The education level of the local councillors doesn't significantly influence their opinion on these statements. We found one significant result between the majority and the opposition councillors.<sup>6</sup> 61% of the opposition local councillors agrees that the number of detailed decisions has decreased during the local council's meetings in comparison with 47% of the majority councillors. We also found one significant result for the local councillors' experience. 53% of the local councillors with at most two years of experience, 47% of the local councillors with three to eight years of experience and 42% of the local councillors with at least nine years of experience have the impression that the number of detailed decisions has decreased during the local council's meetings. The more experienced local councillors notice less changes in the local council's functioning in comparison with the less experienced local councillors.

The delegation of competences to the board of mayor and aldermen is, as mentioned earlier, an instrument to strengthen the local council's role. Therefore we control to what extent a decrease in the number of detailed decisions, in the number of agenda items and in the duration of the local council's meetings influence the statement about the strengthening of the local council's role.

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<sup>6</sup> The 'don't know'-categorie is excluded here.

		Strengthening of the local council	Std.dev.	% high	N
↓ detailed decisions	No	7,56	2,41	19,9	593
	Yes	7,60	2,41	22,7	534
	p = .813				
↓ agenda items	No	7,82	2,46	24,9	759
	Yes	7,26	2,29	15,3	426
	p = .000				
↓ duration local council's meetings	No	7,64	2,41	23,0	804
	Yes	7,59	2,42	19,3	404
	p = .720				

**Table 11: Effects of delegation on the strengthening of the local council's role**

A decrease in the number of detailed decisions during the local council's meetings doesn't significantly influence the perceptions of the local councillors on the strengthening of the local council's role. From table 11 we can conclude that a decrease in the number of agenda items during the local council's meetings significantly influences the reinforcement of the local council. Although we get a reverse result compared to our expectations and the LGA's aim at strengthening the local council's role. Local councillors who don't notice a decrease in the number of agenda items during the local council's meetings assume more often that the local council's role has been strengthened in comparison with the local councillors who see a decrease in the number of agenda items. We can't find a significant result for a decrease in the duration of the local council's meetings. Although again the results don't correspond to the LGA's expectations. Local councillors who don't notice a decrease in the duration of the local council's meetings agree more often that the local council's role has been strengthened in comparison with the local councillors who confirm that the duration of the local council's meetings has decreased.

### 4.3 Instruments for the local councillors<sup>7</sup>

Like the disconnection of the mayoral function and the local council's chairmanship and the possibility to delegate competences to the board of mayor and aldermen, the LGA offers some individual instruments to the local councillors who don't exercise an executive mandate. These instruments should enlarge the local councillors' right of control and they should counterbalance the extensive possibility to delegate competences to the board of mayor and aldermen. Because the local council is able to assign more competences to the board, this board gets a larger responsibility. Therefore the local councillors should have enough instruments to control it. The LGA emphasizes the local council's assignment to determine the important political options and the important policy choices. The concrete interpretation of these policy choices relates to the local councillors' agenda as well as to the local council's meetings. Local councillors should have enough instruments to prepare themselves thoroughly for the local council's meetings. That's why every local councillor is allowed to add items to the local council's agenda. The agenda items should not only be described in a clear way, but should also contain an explained proposal of decision. The local councillors receive several instruments to exercise their controlling task. These instruments aren't an innovation, though. The former federal LGA gave the local

<sup>7</sup> When we talk about the local councillors in this chapter, we only talk about the local councillors without an executive mandate.

councillors the same instruments to control the board of mayor and aldermen. Therefore we examined to what extent the local councillors use these instruments and whether they notice any changes in the use of these instruments. The LGA distinguishes five types of rights for the local councillors. Local councillors have the right to peruse all files, documents and legal instruments concerning their local government. The local councillors can get a copy of all these files, documents and legal instruments. The local councillors have the right to visit all institutions and services founded and managed by the local government. Another way to control the board of mayor and aldermen is the local council's possibility to ask the members of the board oral and written questions. Since the introduction of the LGA the local councillors automatically receive a copy of the minutes of the board's meetings. Finally the local councillors are able to add agenda items to the local council's agenda. To investigate the frequent use of these instruments we asked the local councillors how often they use these instruments. The next table illustrates these results. Local councillors with an executive mandate aren't included in this table.

	Never/ rarely	Sometimes	Often/ very often	N <sub>tot</sub>
To visit institutions and services established and managed by the local government	20,1	50,2	29,7	832
To peruse all documents, files and legal instruments concerning local government.	11,1	31,5	57,5	833
To ask oral questions.	10,6	28,3	61,0	836
To aks written questions.	46,4	31,0	22,5	835
To add agenda items to the local council's agenda.	51,3	29,1	19,7	833

**Table 12: Frequency of the use of the instruments for the local councillors**

This table shows a rather varied picture of the use of these instruments offered by the LGA. Local councillors admit that they frequently use the right to ask the board oral questions and the right to peruse all local documents. A majority of the local councillors asserts that they often to very often use these instruments. Almost one third of the local councillors (30%) claims that they often to very often visit the institutions and services established and managed by the local government. Almost one fourth of the local councillors (23%) often to very often asks the members of the board of mayor and aldermen written questions. Finally almost one fifth of the local councillors admits that they often to very often add agenda items to the local council's agenda. Table 12 illustrates that local councillors quite often use these instruments. We have to keep in mind that the local councillors who took part in this questionnaire are perhaps more motivated than other local councillors. Therefore we should not overrate the results of this table.

We also asked the local councillors whether or not they consider these instruments to be unsatisfactory to prepare themselves to the local council's meetings. After all, the LGA didn't enforce any important changes to the local councillors' statute and the instruments mentioned in table 12 aren't new at all. Both the opinions of all local councillors and the opinions of the mayors, aldermen and local councillors separately are shown in the table hereunder.



		% disagree	% neither disagree, nor agree	% agree	N <sub>tot</sub>
The local councillors don't get enough support to prepare themselves for the local council's meeting.	All councillors	49,2	17,5	33,3	1390
	Mayors	61,4	15,2	23,5	158
	Aldermen	60,7	16,6	22,5	409
	Councillors	41,1	18,3	40,6	823
	p = .000 <sup>8</sup>				

**Table 13: Support for the local councillors**

One third of all local councillors agrees that the local councillors don't receive enough support to prepare themselves for the local council's meetings. Depending on the function exercised by the councillors, the opinions about this statement differ quite a lot. Less than one fourth of the members of the board of mayor and aldermen believe that the local councillors don't get enough instruments to prepare themselves for the local council's meetings. The local councillors without an executive mandate clearly have another opinion than the members of the board of mayor and aldermen. 41% of the local councillors agrees that they don't receive enough instruments to prepare themselves. If we only have a look at the results of the local councillors, we find a significant difference between the opinions of the majority and the opposition local councillors. Almost half of the opposition local councillors (48%) confirms that they don't get enough support to prepare themselves in comparison with one third (34%) of the majority local councillors.

Before we continue examining the changes in the strengthening of the local council, we further discuss these instruments. We suspect that local councillors who often use of one these instruments also intend to use the others more often. A factor analysis confirms this assumption.<sup>9</sup> Only the first statement in table 12, the right to visit institutions and services established and managed by the local government, doesn't seem to measure the same factor. The fact that local councillors are only able to visit these institutions and services during the office hours is a possible explanation. Because of these limited opening hours a large group of local councillors is excluded from the possibility to use this right to visit. Therefore we create a new variable, with the exception of the right to visit, which makes a distinction between the less and the more active local councillors. We split the scores for this new variable in three, about equally large, categories (low, middle, high). The low category contains the local councillors who don't frequently use these instruments. The high category consists of local councillors who (very) often use of the several instruments. The middle category finds itself between these two categories. The table below gives a summary of this new variable.

		% local councillors	N
Activity of the local councillors	Low	39,5	331
	Middle	34,6	290
	High	25,8	216

**Table 14: Activity of the local councillors**

<sup>8</sup> The group 'all local councillors' is not included in calculating p.

<sup>9</sup> Cronbach's alpha = .676. Cronbach's alpha decreases (.653) if we add the first statement in table 12.

We also look at the local councillors' perceptions about the strengthening of the local council's role. We want to examine whether or not the more (or less) active local councillors notice more changes towards a strengthening of the local council's role. The following table shows these results.

		Strengthening of the local council	Std.dev.	% high	N
Activity of the local councillors	Low	7,67	2,55	23,9	322
	Middle	7,49	2,71	23,3	283
	High	7,21	2,45	18,0	211
	p = .130				

**Table 15: Strengthening of the local council according to the activity of the local councillors**

The differences between the groups are not statistically significant. However, we measure a descent in the average scores of the answers of these local councillors. The more often the local councillors use the several instruments, the less often they believe that the local council's role has been strengthened. The least active local councillors conclude most changes in the local council's functioning in comparison with the two other groups.

Up till now we only examined to what extent the local councillors use the several instruments. However, these results don't tell us to what extent the local councillors notice changes in the use of these instruments. Therefore we asked the local councillors, including the members of the board of mayor and aldermen, to what extent they are convinced that, since the introduction of the LGA, :

- the number of oral questions has increased during the local council's meetings;
- the number of written questions has increased during the local council's meetings;
- the local councillors add more agenda items to the local council's agenda.

Just like the previous chapter about delegation, these statements were not presented in a five-point scale, but as actual questions. Local councillors were able to answer 'yes', 'no' or 'don't know'. The table hereunder shows the local councillors' answers.

	% yes	% no	% don't know	N <sub>tot</sub>
The number of oral questions has increased during the local council's meetings.	36,0	49,4	14,7	1398
The number of written questions has increased during the local council's meetings.	27,0	55,9	17,2	1398
The local councillors add more agenda items to the local council's agenda.	30,4	56,1	13,5	1397

**Table 16: Perceptions about the instruments for the local councillors**

A minority of all local councillors is convinced that the local councillors more often use the several instruments to control the members of the board of mayor and aldermen. Due to the large number (> 10%) of local councillors who didn't know the answer, we include these councillors. Almost half of all local councillors (49%) disagrees that the number of oral questions has increased in comparison with over one third (36%) of all local councillors who agrees with this statement. A majority of all local councillors (56%) denies that the number of written questions has increased during the local council's meetings. 27% of all local councillors believes that the number of written questions of the local councillors has increased. About one third of all local councillors (30%) notices an increase in the number of agenda items added to the local council's agenda. Like the previous statement, 56% of all local councillors disagrees with this statement. Next we spread the answers of the local councillors according to their function in the local government. The next table demonstrates the number of mayors, aldermen and local councillors without an executive mandate who agreed with these statements.

	Mayors	Aldermen	Councillors	P
The number of oral questions has increased during the local council's meetings.	30,4% N = 48	37,8% N = 155	36,1% N = 300	.000
The number of written questions has increased during the local council's meetings.	27,8% N = 44	30,7% N = 126	24,9% N = 207	.000
The local councillors add more agenda items to the local council's agenda.	27,2% N = 43	29,0% N = 119	31,6% N = 262	.000

**Table 17: Perceptions on the instruments for the local councillors according to their function in local government**

There aren't many differences between the mayors', the aldermen's and the local councillors' opinions. The mayors are less often convinced that the number of oral questions has risen in comparison with the aldermen and the local councillors without an executive mandate. The mayors and the aldermen confirm more often than the local councillors that the number of written questions has increased. About as many mayors, aldermen and local councillors notice a rise in the number of agenda items added by the local councillors.

To what extent the local councillors use the several instruments as we saw in table 14 doesn't play a significant role in the local councillors' perceptions on the local council's strengthening. We couldn't find a significant relation between the use of these instruments and the statements in table 17. So local councillors who describe themselves as active councillors in using the instruments to control the members of the board aren't more often convinced that there is an increase in the use of these instruments. In the following table we examine the relation between the statements in table 17 and the strengthening of the local council's role. We want to find out whether the increase in the number of oral and written questions of the local councillors and an increase in the number of agenda items added by the local councillors cause any changes in their opinions on a strengthening of the local council's role.

		Strengthening of the local council	Std.dev.	% high	N
↑ oral questions	No	7,20	2,21	14,7	681
	Yes	8,30	2,50	31,8	497
	p = .000				
↑ verbal questions	No	7,29	2,30	16,5	772
	Yes	8,25	2,48	31,1	370
	p = .000				
↑ added agenda items	No	7,30	2,33	16,5	775
	Yes	8,16	2,45	30,3	416
	p = .000				

**Tabel 18: Effect instrumenten raadsleden op versterking gemeenteraad**

An increase in the amount of oral and written questions and the number of added agenda items by the local councillors leads to a strengthening of the local council's role. Local councillors who agree that the councillors more often use the instruments to control the members of the board show a more positive attitude about the strengthening of the local council's role. This time we don't see any reversed effects like we did in table 11. Although we have to remark that an increase in the use of these instruments doesn't tell us anything about the contents of the questions asked by the local councillors and the agenda items they add to the local council's agenda.

## 5. Conclusion

The main goal of this paper was to investigate to what extent the instruments, offered by the new LGA, actually achieve their goal which is the strengthening of the local council's role. Two years after the settlement of the new local councils, there aren't many signs of a strengthening of the local council's role. According to the mayors and the aldermen as well as the local councillors without an executive mandate the number of radical changes in the local council are limited. This doesn't mean that nothing has changed since the introduction of the LGA. In municipalities where the mayoral function and the local council's chairmanship has been disconnected, the first signs of a strengthened local council appear. This measure seems to succeed in its intension. The possibility to delegate competences to the board of mayor and aldermen delivered an indistinct image of the local council's functioning. The local councillors are rather reluctant to delegate many competences to the board of mayor and aldermen. However, the delegation is already rather limited. Moreover the advantages of this delegation according to the LGA, like a decrease in the number of agenda items and the duration of the local council's meetings, have a reverse effect on the local council's strengthening. The instruments to control the members of the board of mayor and aldermen are not an innovation for the local councillors. These instruments already existed before the introduction of the LGA. Local councillors who use these instruments more often notice less changes in the local council's functioning. Local councillors who more often experience an increase in the use of these instruments are more often convinced that the local council's role has strengthened.

The LGA aims at a strengthening of the local council's role, but the local governments aren't obliged to use the instruments offered by the LGA. The use of these instruments is optional. Not one local government is obliged to separate the mayoral function and the local council's chairmanship. Moreover this chairman can't count on any extra supportive staff. Delegation from the local council to the board of mayor and aldermen is also optional and the instruments to control the members of the board aren't an innovation at all.

In order for a local government to change the local council's functioning, the local councillors have to be convinced of the need to change the local council's functioning. In 2002 a support analysis for a new LGA concluded that the local councillors didn't experience an urgent need to change the local council's functioning radically. A majority of the local councillors was convinced that the local council exercised enough influence on the local policy. Moreover most of the local councillors didn't see many problems in a limited delegation to the local board (Meire *et al.*, 2002). A few years before the introduction of the new LGA there didn't exist much support to change the local council's role. These conclusions correspond with the results of a list of case studies organized in the summer of 2008, one and a half year after the introduction of the new LGA. Neither the city managers, nor the members of the board of mayor and aldermen were convinced that the local council's role had been strengthened. A year after this first round of case studies these respondents had not changed their opinions yet. Local councillors seem to prefer to score with detailed remarks during the local council's meetings rather than to develop a long-term vision (Olislagers *et al.*, 2009). We also have to remark that it's impossible to consider the local councillors as one homogeneous group. Members of the board of mayor and aldermen had several times a difference of opinion with the local councillors who didn't exercise an executive mandate. Even the board of mayor and aldermen isn't a homogeneous group. To change the local council's functioning the several councillors will have to be in line with the idea that a change of the local council's functioning is necessary.

The LGA aims at local council's meetings with well prepared local councillors. This means that the local councillors should have enough possibilities and instruments to prepare themselves thoroughly. The LGA doesn't change the local councillors' statute. Most of the local councillors without an executive mandate combine their political mandate with a regular job. The local councillors, without an executive mandate, in our survey spend an average of 7,63 hours per week on their task as a local councillor. In contrast with the members of the board of mayor and aldermen the local councillors receive a small monetary compensation. On the contrary the members of the board enjoy a salary, including a holiday allowance and an annual bonus. Instead of changing the local councillors' statute, the LGA offers the possibility to appoint a staff to support the local councillors. Hardly a handful of local governments has appointed such a staff. To change the local council effectively by an act (or decree) the LGA's instruments seem to be too limited. Due to the optional character of these measures, the local governments are not in a hurry to change the local council's functioning radically. Although we have to keep in mind that this measurement occurred scarcely two years after the introduction of the LGA. Structural changes won't manifest themselves in such a short notice. Moreover a majority of the local councillors is more used to work with the former federal LGA than with this new LGA. This process of awakening won't, if it effectively happens, occur rapidly.

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