

# How Fair is the Council Decision Process?

By Martin Gray

**In the last September issue of Local Agenda, I wrote about the importance of good governance for councils.**

I explained how decisions were not made by individual councillors, but by the council body at a formally constituted council meeting. I also reflected upon how the democratic process demands transparency and how the decision processes can be complicated by the conflicting responsibilities of councillors to their electorate constituents and to the wider community.

I want to now discuss in more detail the issue of transparency, its links to the concept of 'fair process' and how this is affected by the complexity of modern day council decision-making.

## Fair Process

Whilst it is a truism that humans, for the most part, are driven by self interest, it is also evident that people are as much driven by the way decisions are made as by the results themselves.

Cognitive scientists, Kim and Mauborgne describe the frustration of a London woman, who on her day in court had just begun to tell her side of the story when the magistrate stopped her and summarily ruled in her favour. "I came for justice" she complained, "but the magistrate never let me explain what happened." She liked the outcome, but not the process that created it. For her, it was not a "Fair Process."<sup>1</sup>

Now 'Fair Process' is a key issue for Local Government, as the democratic process of Local Government demands transparency. When this does not happen, the local press are quick to respond.

## Wicked Problems

The fact is that we live in a very

complex world, so 'fairness', or the perception of it in the decision-making process, is confused by the complexity of many problems. These very complex problems are what Horst Rittel, an urban planner who found traditional planning methods inadequate for the ill-structured problems he encountered in city planning, named 'wicked' problems.

Wicked problems become more complex the more they are discussed. Indeed they evolve in such a way that they may have no right or wrong solution, only a best effort to resolve them within the constraints of available time and resource. So, if we cannot judge the fairness by the result then it is even more important to judge the fairness by the decision process itself.

For example, the debate about the building of a playground may, in the beginning, appear to be a no-brainer, but as the discussion gets more involved, the fragmentation effect kicks in where divisions are drawn from political perspectives – labor, liberal, greens, independents, and where the different perspectives, understandings, and intentions of the councillors representing their constituents are convinced that their version of the problem and solution is correct.

A post-mortem review of the decision-making processes needs to focus on how the information was gathered, whether the information was sufficient for opinions to be formed, the quality of the debate at the council meeting and finally on how decisions were accepted and the effectiveness, or otherwise, of the way dissent

was managed.

Ultimately, wicked problems cannot be solved by following an orderly and linear process of decision making, working from the problem to the solution, as is demanded by traditional thinking. Effective solving of wicked problems shows that a process of 'wandering all over' is not a mark of flawed decision making, but that this non-linear process is the mark of an intelligent and creative decision process.

## Collaboration – The Key

No doubt the solution to effective council decision-making therefore lies in building the collaborative spirit needed to pour water on this volatility.

But more importantly is the need for transparency to reveal that the councillors and stakeholders have undertaken a productive dialogue about their different views and perspectives on the problem.

Fundamental to achieving this is the implementation of a powerful feedback loop that enhances learning and transparency of process. In other words an effective, confidential and anonymous review by the councillors of the way the council and councillors manage not only matters of council but also 'Fair Process.' This process should not be a regulator imposed audit but a self assessment voluntarily undertaken by the councillors.

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<sup>1</sup> Fair Process: Managing in the Knowledge Economy. By W. Chan Kim and Renee Mauborgne. Best of Harvard Business Review. 1997