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# THE `NEW PUBLIC MANAGEMENT' IN ENGLISH LOCAL GOVERNMENT: SOME SPECULATIVE THOUGHTS.

#### Abstract

Some quarter of a century after the term New Public Management (`NPM') entered the lexicon of public administration, it seemed appropriate to consider the lasting impact it has had within one sector — namely that of English local authorities, particularly in the light of a new research project examining governance and accountability in local authorities.

The focus on privatisation/marketisation of services drove the concept of the 'enabling authority centred upon service delivery to consumers rather than delivering public policy to citizens.

These developments led to a view that traditional governance structures may have become outdated, prompting periodic references in political discourse to a democratic deficit which led to debate on how to improve accountability and the new constitutional arrangements in the Local Government Act 2000. Central to this was the operation of the scrutiny function. The article concludes that although efficiency has been improved securing accountability is still a work in progress.

#### Position of NPM within Current Research Project

Three decades on from when the term was originally used by Christopher Hood (Hood 1990) it is clear that the New Public Management regime has

become part of everyday business for local government practitioners. I have recently concluded research with two local authorities to understand how practitioners viewed governance and how it was held accountable and scrutinized. It became clear that NPM continued to provide the organizational and cultural context to governance, even if the political ideology which surrounded its introduction has become absorbed as part of a third way post-Thatcher consensus (Giddens 1998).

## Context and Identification of Trends/Reforms

When considering the impact of recent trends/reforms upon the local government sector, regard must be had to the broader macro-economic and social/political picture. In the UK this largely took effect as a political consensus between political parties on the right and left of the political spectrum and centered upon a set of ideas often referred to as the 'Post War Settlement' which set the scene from 1945-1979, at the heart of it was the mixed economy and welfare state.

This model sought to combine the economic benefits of capitalist accumulation to generate resources to pay for public services and transfer payments through the welfare state. The economic infrastructure supporting this was in the context of the global trading system which required a preference for free trade, an open world economy, policed by international institutions of modern capitalism such as the International Monetary Fund, the World Bank, the World Trade Organisation and General Agreement on Tariffs and Trade. At a national political level the structures were regarded as corporatist or tri-partite, where day to day governance and national macro-economic policy was determined on a consensual basis between government, and

representatives of industry and organised labour. This worked well under national governments of all political persuasions whilst the world economy was growing in the 1950's and 1960's. But in the early 1970's the world economy began to slow with rises in commodity prices, and soaring inflation threatening competitiveness of industry which prompted a series of fiscal crises, as government revenues were not sufficient to sustain the ever growing commitments of the welfare state. This led to what some commentators regarded as a crisis of confidence threatening not only economic prosperity but the very foundations of freedom itself. (Brittan 1977) Furthermore Joseph Schumpeter identified the crisis in social democracy as structural, as political parties engaged in electoral politics promising to deliver more and more with less and less in the context of a declining economy.

#### (Schumpeter 1942)

This position was considered by a number of academics and politicians in a stream of thinking that became known as neo-liberal in the USA and the New Right in the UK. Samuel Brittan (Brittan 1977) argued that the state was overloaded with responsibilities under the social democratic settlement, which it couldn't hope to deliver in an era of economic decline. The costs of the welfare state were going up, but fiscal and economic crises meant that the resources were not there to cover the expense. This failure to deliver caused a crisis of confidence in the social democratic settlement that underpinned the post war consensus and commentators such as Schumpeter had shown such weaknesses to be structural and directly related to electoral politics. These developments were marked by theorists such as Anthony Downs applying economic choice theory to politics (Downs 1957), Milton Friedman refining the idea of monetarist policy and the technical tools to

control inflationary pressures (Friedman 1962, 1980) and Fredrich Hayek making philosophical arguments for a very limited state, where public provision was to be limited to key public goods such as national defence and maintenance of a stable macro-economic framework. (Hayek 1944, 1960) These strands of thinking were surveyed in writings by Professor Andrew Gamble (Gamble 1981, 1988) and I contend that it is impossible to understand current developments and trends of New Public Management without taking this broader context into account.

This crisis of social democracy created by world economic pressures in 1970's created a political and ideological opportunity for the New Right as the Thatcher government in the UK and the American administration under Regan began to challenge the post war settlement and make the arguments for a market economy, non-interventionist government and a much reduced role for the state. Whether these administrations were successful in achieving these ends is somewhat besides the point (ROSE: 1984), the key thing is that they broke the previous consensus and they laid the philosophical foundation of neoliberal thinking to undermine and question the social democratic consensus that had ruled hitherto. It is certainly arguable that ever since that period, the public sector in Western Europe and globally has been characterised by a constant push for reform (Peters 2001) as NPM ideas (Galnor etal: 1998, Yakamoto 2003) started to take hold in the US, Western Europe, the UK and elsewhere, even if they haven't yet gained universal hegemony. (See for instance Wise 2002).

I analyse the traditional tension between efficiency (service delivery - and the use of market mechanisms to secure optimal allocation of

resources) and accountability (secured through political process) to consider recent developments in the local government sector.

Traditional political alliances have fallen on different sides of the debate with the right stressing efficiency, whilst the left have a preference for accountability (Benn 1981). At the most basic level, the tension exists because to operate efficiently requires providers of services to get on make decisions and deliver to customers whilst the notion of accountability requires regular reporting and political sanction secured through a mandate and democratic elections. The more reporting back required, the less efficiently a service can operate.

The New Right contended that the state and its agencies under the social democratic consensus were trying to do too much and not doing any of it well. The services it delivered were inefficient, the resources to fund them out of taxation was an imposition on freedom and it crowded out the private sector who could deliver many of these services more efficiently. (Friedman 1980) The focus was to make the state strong by making it do less, that way what it did do would be done well, and in so doing would restore public confidence in the political process. In this context it could be argued that the public sector had to justify its own existence and make afresh the ideological arguments for why it undertook certain activities. At the very least, it would have to show what it did do, it did efficiently, hence efficiency became the priority, the benchmark against which success was to be measured. Accountability lagged somewhat behind in these considerations, although it was picked up later, albeit with partial success.

I contend that collectively it is these ideological, political and economic trends that have shaped how local authorities have been expected to operate, and it is these ideas that have been changing traditional precepts for the last quarter of a century.

In the remainder of this paper, I shall examine both sides of the debate - efficiency (through privatization/marketisation, the concept of the enabling authority and the use of performance indicators) and accountability (through development of new forms of governance and ethical practices).

#### **EFFICIENCY**

The quest to attain efficient delivery of public services has been a key ideological concern for the new right and this has fed through into New Public Management thinking. The ideological starting point is an almost theological faith and confidence in markets to deliver the right outcomes, together with a requirement that these outcomes be measured and monitored. As such the quest for efficiency can be seen through a desire to privatise and marketise service provision and measure outputs through systems of performance indicators.

## 1. Privatisation/Marketisation

Some writers have chronicled how privatisation was often viewed as a question of funding and control (Wamsley and Zald 1973). In essence it can stretch from moving public enterprises into the private sector (through mass share issues as was witnessed in the 1980's in the UK with key utilities such as British Telecom, British Gas, electricity

providers and more recently with the privatization of Royal Mail), to shifting funding/market activity away from the public sector to the private sector (for instance in the housing market by reducing the availability and supply of council/social owned housing stock). The debate on the appropriate balance between state/market provision is still high on the academic and political agenda. (Hawkins 2008) Part of the quest for efficiency that was pursued in response to the crisis of social democracy identified earlier, was a prospectus to privatise where possible (e.g. utilities) and marketise where not - i.e. an attempt to subject state provision to market influences and competition. It is particularly this latter category that impacted local government.

In the late 1980's the British Government (by way of The Local Government Act 1988) introduced competition into many blue collar/support services such as office cleaning, school meals provision and refuse collection. Local authorities were used to carrying out many of these services in-house, but were then legally obliged to cost and measure the services that they provided and then subject them to an open bidding process inviting private sector operators to bid for the opportunity to carry out these services. These developments were then applied to professional services such as lawyers, surveyors and accountants in the early 1990's (through The Local Government Act 1992). These professional services, which were often critical to the corporate success of any local authority, were required to benchmark performance and bid against private sector bidders to carry out this work. The Compulsory Competitive Tendering ('CCT') regime as it was known later ran into difficulties (some of which are highlighted below) such as competitive advantage through wage cuts not being possible

owing to european employment protection regulations (known as TUPE). But the CCT regime had shifted the traditional paradigm in which local government had directly provided services through using their own workforces, and forced this model to be examined again. Thus the idea of the `enabling authority' (Smith 2000, Brooke 1989) took hold. Here the primary role of the local authority was to ensure that services were provided, rather than provide them directly themselves. This represented a move away from universal top down service provision typified by social democratic values of universality, equity and standard provision (Stewart & Walsh 1992). Rather, they were to commission appropriate services, monitor the delivery of them and provide appropriate redress for `customers' who were dissatisfied with service provision. (CBI/LGA 2008) This latter point meant that local authorities have witnessed a proliferation of customer charters being published specifying standards that can be expected in a range of different activities (from how long you can expect to wait for an appointment to go onto the housing list to how quickly you can expect a local authority to deal with a planning query). From public housing to social care, transport provision to refuse collection, the enabling authority has had a far reaching impact. The new found customer focus has also manifested itself through legal changes implemented as part of the 2009 EU Services Directive, of particular note is the Doctrine of Tacit Consent, whereby in certain circumstances an applicant for a permit, consent or licence can assume after a prescribed period of time that an application has been granted.

The housing function is a case in point. Local authorities used to build many council houses and let them out to tenants on low/regulated rents. They would often be built by council employed builders (through

entities known as District Labour Organisations (`DLO')), repaired by council employed workmen and have rents collected by council employed revenue staff. The trends described here have meant that now the Council is more likely to be involved in managing the housing waiting list, referring priority homeless cases to third party housing providers and directing `customers' towards sources of community and specialist support. The housing operation is now more likely to be run through separate corporate entities (registered with the Housing Corporation), with repairs and rents collected independent of council involvement. Furthermore broader trends towards market provision in the British housing market such as the encouragement of owner occupation (through offering significant incentives/discounts to buy local authority housing stock) and the lack of investment in public housing stock thereby reducing supply to the lowest level since 1947 have added to the `privatisation' of housing provision. (Local Government

In the sphere of social care, although local authorities retain statutory responsibilities to ensure that young and elderly/vulnerable people are cared for, they are now likely to offer a market solution through the provision of vouchers, enabling care to be `purchased' from a number of providers, rather than directly providing the care themselves. (Knapp et al: 2001)

Association 2008)

Local authorities used to own/run bus services as a matter of course. Nowadays, these services are provided by private companies with subsidies being paid to operators to provide routes that are socially necessary but economically inefficient, with those operators being required to tender for the opportunity to provide such services at

least cost. The debate about the best way to administer these services still continues to the present day. (See for instance Hibbs 2003)

Street cleansing and refuse collection are other examples of services that are generally no longer provided in house.

These trends have had various impacts. There has been a structural impact in that local authorities have much less in house capacity to carry out blue collar work and support operations, having abolished District Labour Organisations. There have been cultural impacts in that the notion of the public sector offering safe and secure employment has largely gone, with both blue collar and professional workers having to measure performance and bid to maintain work. The CCT regime probably brought benefits in the sense that it did raise the question of what it costs to deliver services and just why some authorities can provide what appears to be the same service at much lesser cost. The CCT regime provided the legal and practical framework within which the idea of the `enabling authority' could be operated. It also heralded the notion of continuous measurement and improvement, which has clearly now become part of the norm for local government. But the CCT regime did require a high degree of contract management and was heavily criticized as bureaucratic and creating a charter for lawyers and corporate advisers. This prompted the replacement of the CCT regime with a new statutory duty to secure Best Value (in The Local Government Act 1999). This was designed to draw upon the benefits of continuous improvement but without the bureaucratic aspects of the CCT regime. The Best Value regime still provided a practical and legal framework for the `enabling authority' which was historically monitored by the Audit Commission, before that regime was in essence privatised by the Local Audit and

Accountability Act 2014 and replaced with the requirement that local authorities use private sector auditors. The practical impact of Best Value from a public manager viewpoint is much the same as for CCT.

Overall, there is likely to be much less in house provision.

Professional services such as Legal Services, are more likely to retain skeleton staff and buy in specialist expertise for particular projects from the private sector. Although some authorities such as Lambeth LBC and Kent CC have taken a contrary view. In respect of Legal Services, the latter has been an example of an authority expanding its operation to serve some 150 public sector clients across the UK. There is increased reliance on shared services between authorities and between public and private sectors. In Legal Services this ranges from partnerships with law firms and chambers to secure competitive fee arrangements, to pooling of specialist expertise and provision of library resources and training through for example the North West Legal Consortium. There has been increased use of short term contracts for staff and there is no sign of this trend ending.

Collectively it is probable that these measures have resulted in improving efficiency, but they do present challenges to managers, who are increasingly reliant upon communications with third parties, the receipt of good and timely information from them (ISSAC and WOOD: 2006) and the provision of specialist advice. These developments have also had an impact upon the ability of traditional bureaucratic/governance structures to deliver accountability, especially in light of the fact that local authorities derive legitimacy from electoral politics and much activity that takes place now in connection with the administration and delivery of services operates with third parties on

a partnership basis requiring the building of consensus regardless of electoral politics or political priorities. To some extent this has been explained in an academic context by network theory (PROVAN et al: 2005). One key concept associated with New Public Management thinking is the importance of outputs/service delivery. The enabling authority idea fitted well with this. The development of a system of performance indicators was a logical step to see just how well local authorities actually delivered the outputs that were considered all important, and it is to this that we now turn.

## 2. Peformance Indicators

The development of a system of clear performance indicators were in part a consequence of the wish to focus upon outputs. Such indicators must be selected so as to provide a comparison with other comparable organizations and be capable of measuring outputs over time. They often provide key information to service users and voters as well as managers and each group may approach the figures from different perspectives. (BEHN: 2003) They should form an intermediate step towards the achievement of the optimal goal as set out in the Mission Statement. My current local authority has a Mission Statement to `make the borough one of the most desirable places to live, work and visit in the region'. Individual directorates (groups of services) and service areas have their own performance indicators and delivery is often backed up by feedback from client departments and members of the public through regular feedback/surveys. Crucially over the last decade these indicators which have often formed part of the strategic management plan to aid service delivery have assumed particular corporate significance, with the introduction in 1998 of the now defunct

Comprehensive Performance Assessment (Audit Commission) in which local authorities were regularly inspected by the Audit Commission, with results forming a `league table' with other authorities. The systems are not perfect, not least because not everything can be shown in a meaningful measurement, and the indicators themselves can have unintended consequences (Smith 1995) but it has sharpened the focus upon efficiency and outputs. These developments have been linked with a multiplicity of customer charters that now exist specifying service standards and complaints procedures. The focus of all this however was upon delivery to `customers' which is clearly not enough (Cornwall 2008). Arguably the accountability question, namely delivery to citizens - through the electoral/political process, was left behind by comparison and it is to this question that we must now turn. Although the Comprehensive Performance Assessment system itself was abolished in XX the performance management culture it represented remains strongly ingrained in local government.

#### ACCOUNTABILITY

The Local Government Sector has suffered from a decline in public confidence that has impacted upon public institutions generally over the last thirty or so years. (Sampson 1962) One measure of this is declining turnouts at local elections which rarely top 50%. Much literature has discussed the democratic deficit and the widening gulf between the government and the governed (through campaigns such as Charter'88 and think thanks such as DEMOS) (Farook et al 2008) and as part of the task of trying to restore confidence and accountability the Local Government Act 2000 introduced new governance structures to replace the traditional committee system. Elected Mayors were the most

radical proposal (Hambleton & Sweeting 2004) although originally this has had limited take up (with just Hartlepool and Middlesborough outside London) possibly because high profile civic leadership may not compensate for concentration of power in one person, although the appetite for elected mayors has since grown in some areas (Liverpool and Bristol). The Cabinet System was the option that was taken up by most authorities, with a division of power between the full council, whereby elected members have responsibility for strategic policy and budget framework whilst (most) other matters are the responsibility of an elected executive. There were also requirements for increased scrutiny and committees were set up to supervise the work of the Executive, along the lines of select committees in the British House of Commons. Recent reforms have permitted local authorities to revert to the committee system and some (such as Brighton & Hove) have done so, thereby increasing the diversity of governance systems in English local government. Other proposals such as systems of area committees were adopted to bring power closer to the people and devolve decision making downwards. All this was an attempt to boost participation and improve accountability to the community as citizens rather than particular service users in their customer role. Alongside this there were legal changes that allowed local government be recognized for the community leadership role it performs (way beyond specific statutory functions) and an understanding that local councilors wish to 'place shape' and regenerate local communities. Indeed there is evidence to suggest the place shaping role (using the leadership role of local authorities to reach out across other statutory and voluntary sectors) is regarded as the most important. The legal and to some extent the financial framework was altered to reflect this, although this has not been without problems in practice (e.g. reluctance to be the first to

exercise widely drafted legal powers and lack of access to finance). The recognition of this new community leadership role was coupled with a statutory requirement to develop a Community Strategy which in practice acts as a Mission Statement for the authority and looks at strategic 'place shaping' across many service delivery areas. Although these measures have been in place for over a decade, it remains open to question whether they have improved accountability to citizens through electoral channels or otherwise boosted political participation.

Another strand of accountability that is worthy of mention is the rise of ethical governance. We have seen how ethical questions have impacted upon operation of the public sector with global effect (Kernaghan 2003) and British Local Government is no different. In fact, I would argue that developments here have probably been amongst the best and most forward thinking anywhere. Again the aim has been to improve confidence of citizens in the process. Legislation was originally introduced to give effect to a statutory code of conduct for elected members, with an investigatory process for breach with sanctions ranging from fines to suspension from office. This process had both local and national elements although the prescriptive elements have since been sacrificed on the altar of the localist agenda. It has now been supplemented by a code of conduct for Council Officers that form part of the contract of employment. In addition specific officers have statutory responsibility, such as the Chief Executive for strategic management/staff matters, the Director of Finance for the Council's accounts, whilst the Council Solicitor often fulfils the statutory role of Monitoring Officer having to ensure that all decisions/operations of the Council are legal and within the agreed policy framework. These

measures have served to show that ethical governance is of central importance to local government and being seen to do the right thing is every bit as important as doing it. The legal powers and infrastructure that supports it rightly demonstrates that the issue assumes the highest corporate importance.

#### Conclusion

It is evident that there was a clear political impetus behind the efficiency drive that gave birth to the crop of NPM ideas. This was driven largely by an ideological faith in markets and would appear to have delivered efficiencies in service delivery. Local Authorities seem to have grasped this and there is probably no turning back. The nature of citizenship though demands more in terms of accountability, it needs more than efficient delivery of services and the only way legitimacy is conferred upon public bureaucracies is through the elective process. Hence the introduction of new forms of governance and the attempt to connect citizens with the political process and attempt to reflect upon the nature of citizenship and take action to close the democratic deficit. It is evident that traditional political structures were failing to inspire confidence and only time will tell as to whether these new initiatives will have delivered success. Local Government operates in a world which is now globalised in terms of expectations and pressures. It is susceptible at corporate level to many factors it can not control, hence the proliferation of partnerships, where we are more likely to find academic explanations in network theory rather than in explanations of traditional organization structures. Although there are things we can not control it is clear that there is an expectation to be honest, up front and transparent about the things we do, hence

the developments in ethical governance. There has been progress on both the efficiency and accountability sides of the account, but only a true optimist would conclude the project has delivered, as such the challenge to combine efficient public services with accountable governance is set to continue for some time to come.

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