

A trend to trust? The rise of new leisure trusts in the UK

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As a non-mandatory public service, leisure faces an uncertain future as it competes for scarce local government resources. Around half of British mainland local authorities still provide the majority of municipal leisure services directly. However, since the introduction of compulsory competitive tendering (CCT) in 1989, a wider range of organizations has become involved in the delivery of these services than at any time in their history. 'Best value' (BV), the successor to CCT, has turned up the heat on this trend by forcing local authorities to review the form of service delivery. In the current environment, one of the available options which has generated considerable interest is that of 'new leisure trusts'. In this article we look in depth at the reasons why the trend toward trusts has gathered pace in the last decade, the claims made for trusts' structural and managerial advantages, and their potential for synergy, or 'collaborative advantage' (Huxham, 1995).

INTRODUCTION: THE CONTEXT FOR NEW LEISURE TRUSTS

Municipal leisure services stand at a watershed in the UK. A number of factors have created uncertainty over their future direction, including political reforms of local government, raised customer expectations, and a failure to establish the service's welfare objectives. Around half of British mainland local authorities still provide the majority of leisure services directly. However, since the introduction of compulsory competitive tendering (CCT) in 1989 a wider range of organizations has become involved in the delivery of these services than at any time in their history. 'Best value' (BV), the successor to CCT, has turned up the heat on this trend by forcing local authorities to review the form of service delivery. In the current environment one of the available options which has generated considerable interest is that of 'new leisure trusts'. 'Trust' is the common term for a range of entities more properly known as 'non-profit distribut-

ing organizations' (NPDOs). These organizations may or may not have charitable status. As the Centre for Public Services (CPS) (1998, p. 5) has observed:

The setting up of a leisure trust involves the local authority transferring the service to a newly established NPDO (or an existing trust). The council retains ownership of the facilities which are leased to the trust which also receives an annual grant from the council to make up the difference between its income from user charges and the cost of operating the service.

'Old' leisure trusts have been used for some time, particularly in new towns (Curson, 1996). However, despite proving themselves 'robust' and 'stable' vehicles, until recently leisure trusts had not been more widely used due to the desire of local authorities to retain full operational control over facilities (Sports Council, 1994a). Political developments over the last decade have wrought a change of approach in some locations, and the pace of transfers has started to accelerate.

Trusts have been a response from local government to the changing environment, rather a policy handed down from central government. Their heritage lies in the 'creative defence' of leisure services (Elcock, 1994). This has been a defence against two perceived forms of attack.

The first defence has been against cuts in local government finance. The former Conservative government (1979–1997) set about reviewing the role and finances of local government with particular vigour, viewing it as 'wasteful, profligate, irresponsible, unaccountable, luxurious and out of control' (Newton and Karran, 1985, p. 116). Even so, local authorities were initially able to adopt tactics that reduced the impact of cuts on leisure spending (Henry, 1993). However, by the early 1990s service reductions and redundancies were becoming increasingly difficult to resist. In an important study, Taylor and Page (1994) found that spending on leisure had declined in three-quarters of local authorities by an average of 10% in the preceding 2 years, and by more than 40% in some cases. As a non-mandatory public service, concern was raised by the Institute for Sport and Recreation Management (ISRM) (1994) that 'local authority sport and recreation services need defending more than ever before'. For Curson (1996, p. 77):

Local authorities' diminishing resources and the competing claims from other welfare services are forcing authorities to seek new ways of providing and managing leisure services, including the establishment of charitable trusts.

The advantages of trusts in resisting financial pressures are relatively straightforward: 'A non-profit organization with charitable status can obtain business rate relief and VAT savings which is an attractive option for local authorities faced with hard choices on budget cuts, closures, reduced services and redundancies' (CPS, 1998, p. 5).

The second defence has been an attempt

'to preserve a social welfare orientation in the face of what many consider to be an inexorable shift towards the "commercialization" of leisure services' (Curson, 1996, p. 77). Initially, some councils proposed a trust amid fears that they would eventually be forced into contracting with the private sector. By the second round of compulsory competitive tendering (CCT) private contractors were more experienced, knowledgeable and competitive (Nicholls, 1995). Transfer to a new leisure trust enabled local authorities to sidestep competition regulations, ostensibly providing an opportunity to preserve the social welfare and public service orientations of the service. BV has merely offset this as a direct factor, given the continued requirement for local authorities 'to use and develop competition as an essential management tool' (Department for the Environment, Transport and the Regions (DETR), 1998). Concerns over possible commercialization therefore remain, and in the current climate externalization to a new leisure trust (as opposed to a private sector company) is still covertly being seen as the 'lesser of two evils'.

To date, the majority of new leisure trusts have been set up to manage indoor sports and recreation facilities. Services such as these, which utilize large buildings, are able to achieve the greatest financial savings from business rate relief following transfer. Although trusts have sometimes been set up to run single, newly-built facilities (e.g. Doncaster), new leisure trusts tend to be distinguished by their size, whereby a larger tranche of the local authority's sports portfolio is transferred. This article focuses particularly on these multi-facility trusts set up for the management of indoor sports and recreation facilities. However, this is not to say that trusts have only been used to manage sports facilities. There are some instances where arts facilities such as theatres (e.g. West Berkshire), and heritage facilities such as museums (e.g. Sheffield)

have been externalized in this way, while less frequently libraries (e.g. Hounslow) and country parks (e.g. Torbay) have also been transferred to trust management. In these cases transfer is usually to separate trusts rather than a single 'umbrella' organization, although in one or two instances a more comprehensive organization has been established where a range of services (including sport and recreation) have been kept 'under one roof' (e.g. Hounslow, Wigan).

Transferring leisure services to a trust is just one of the options available to local authorities under BV, including the retention of services in-house (Sports Council, 1995). However, the recent development of an 'enabling' role for local authorities has shifted the emphasis from direct provision of in-house services to the collaboration of local authorities with other agencies in the locality, either through contracts or through partnership arrangements. Partnerships which blend the capacities of local government with those of non-governmental actors are becoming commonplace—to the point where local authorities themselves have been "midwives" to the birth of local agencies' (Painter *et al.*, 1997, p. 242). This has created favourable conditions for new leisure trusts. Hence, while new leisure trusts have been accused of representing privatization (CPS, 1997), they are now being more widely presented as examples of 'partnering' arrangements (Lowenberg, 1997; Public Sector Privatization Research Unit (PSPRU), 1998; Glover and Burton, 1998). The government department with responsibility for this area (DETR, 1999) has stated that:

Central government is very keen to encourage partnership working within the best value framework. This reflects a view that councils will achieve more for their communities and service users if they develop a positive approach to working with suitable external organizations.

In this article, we will consider whether trusts floated off from the local authority

can be considered 'suitable external organizations' in this context. There is no doubt that leisure trusts have become important. Out of just over 400 mainland local authorities in Britain, just over 100 of them use trusts in some form to deliver leisure services. By late 2001, there were 44 substantial new leisure trusts, with another 12 due for imminent transfer. 'Old' leisure trusts and trusts running alongside council-run and/or privately-contracted services were used in an additional 48 locations. Numerically, this is almost identical to the use of private sector companies: in late 2001 there were 56 substantial private and PFI/PPP contracts and 49 further locations where private companies operated alongside the council and/or trust provision. This indicates that what started as the creative defence of leisure services has become a mainstream policy alternative.

WHY TRUSTS, WHY NOW?

Patterns of retrenchment and reform across the public sector have provided the background conditions for the development of leisure trusts. However, three other factors have had an important influence:

- raised customer expectations;
- years of underinvestment in facilities;
- failure to establish the welfare objectives of the service.

First, it has been widely argued that customer expectations of public services have changed over the last 25 years or so, whereby 'service users are turning from merely grateful acceptance of services to a much more critical appraisal of them' (Arie, 2000, p. 8). The arrival of consumerism in public services therefore challenges the established order of knowledge, and 'undermines the complacent claims of professionalism to "know what the user needs"' (Clarke and Newman, 1997, p. 116). However, as Clarke and Newman (1997) argue, some

consumerist approaches, such as service charters and complaints schemes, tend to focus too narrowly on individual consumers. In this sense, consumerism may be fine as far as it goes but it will rarely be enough to turn members of the public into partners actively involved in shaping services or to effect a radical shift in the distribution of power (Potter, 1994). Trusts are claimed to offer greater opportunities for community involvement. Transfer may therefore be an answer to criticisms of unresponsiveness and power imbalances, as Lowenberg (1997, p. 78) argues:

There is a tremendous opportunity to build into a new generation of arrangements innovative forms of accountability which could never be achieved through traditional forms of contracting. Here the local authority's overall strategy for providing community leadership and achieving its objectives through democratic mechanisms can be truly explored.

Second, many local authorities are faced with an ageing stock of leisure facilities, for which major works and ongoing maintenance have been limited for more than two decades (Clarke, 1994). These facilities will need substantial investment in the near future. Yet in the absence of additional public funding this investment is unlikely. As independent organizations in their own right, trusts are not subject to public sector borrowing requirement regulations. They therefore provide one option (although not the only option) to raise money from external sources for investment.

Finally, trusts may provide a fresh opportunity for local authorities to establish the welfare objectives of leisure services. Two major rationales have been put forward for public leisure provision (Coalter *et al.*, 1986). The first represents a concern with 'recreational welfare', provided by the development of Sport for All programmes and the targeting of provision for recreationally disadvantaged groups. The second represents a concern

with 'recreation as welfare', whereby provision is supported because of externalities associated with it, such as health improvements or reductions in crime (Coalter, 1990). However, in either case it has been difficult to establish the success of leisure services in achieving the social objectives that underlie these rationales. Local authorities have compounded this problem by first failing to specify social objectives in CCT contracts (Centre for Leisure Research (CLR), 1993; Sports Council, 1994b), and then 'failing to monitor the extent to which welfare aspects of the service are being achieved' (Coalter, 1995, p. 12). As Bailey and Reid (1994, p. 60) predicted at the time:

Unless social objectives are explicitly mentioned in contract specifications then the pressure is there for contractors to increase income by targeting those customers with greater financial resources.

A 'vicious financial cycle' emerges in this scenario (Fisher, 1998), as depicted in Figure 1. Here, cuts in local government finance lead to financial pressure on leisure services. Increased priority is subsequently given to generating additional revenue and reduced priority to the promotion of social objectives. This leads to less justification for public subsidies and the cycle recommences.

Research by Nichols and Taylor (1995, p. 60) confirms the extent to which leisure CCT contracts served to undermine the social objectives of the service:

CCT is a major influence in changing public leisure management attitudes away from social objectives and towards market-led objectives ... We feel it is valid to combine CCT and financial pressure in an interrelated explanation of why social objectives in public recreation provision are under considerable threat.

Even though CCT has now been superseded, financial pressures on local authority leisure services remain (Ives, 2003), and it is easy to see how the 'vicious cycle' in Figure 1

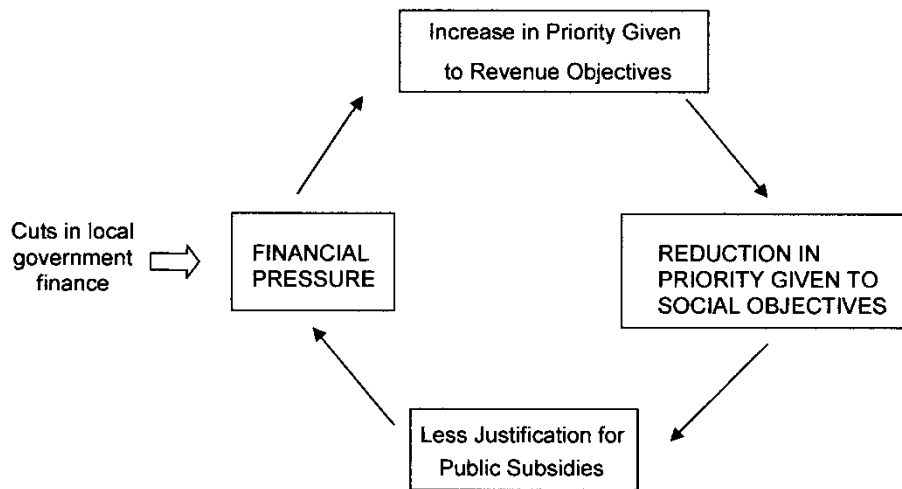


Fig. 1. A Downward Service Spiral

can still materialize. With scarce resources, service managers continue to face a dilemma as to how the balance between financial and social objectives should be struck. Transfer to a new leisure trust provides an opportunity to resolve this dilemma (Simmons, 2001, 2003). First, tax savings in the new trusts reduce the financial pressures upon leisure services. Second, conditions placed upon the annual revenue grant allow local authorities to specify the social objectives of the service. Incentives can therefore be created to ensure the delivery of social objectives, defined anew by the local authority as it enacts its 'community leadership' role.

In combination, the above factors suggest that trusts are likely to remain a mainstream policy alternative. They offer potential solutions to some of the key issues currently confronting policy makers. However, there is no overall pattern as to where new leisure trusts are being created, and why trusts have developed in some locations but not in others remains unclear. Their roots lie in the above macro-level factors, but these factors have not exerted a uniform influence at the micro level. As Lowndes (1997, p. 93) points out, external triggers to management change

are important, but these are often 'mediated by local sensibilities and circumstances'.

RATIONALES FOR TRANSFER

At the local level, there are at least three important motivational factors, or drivers, which lead forward the process of change. Indeed, a driving analogy is useful to describe the key factors for local authorities as they progress down the trust route.

First, the emergence of the 'enabling' concept has acted as a 'roadbuilder', challenging the role of local authorities as direct service providers.

Second, policy learning from pioneering authorities (e.g. Greenwich Leisure in South London) has provided a 'route map'.

Third, new leisure trusts have generally benefited from having a 'driver' in the form of a project champion at the local level (Davis and Taylor, 1997).

Finally, the trust vehicle has needed both a 'spark' for it to get started and sufficient 'fuel' for it to survive the typically challenging journey to its final destination.

The spark has in most cases been fiscal pressure from a reduction in inter-govern-

mental revenues. A small-scale survey conducted by Thurrock Council (1997), found that 'most authorities adopted trust status overwhelmingly for financial reasons'. However, as Henig *et al.* (1988: 445) observe, 'economic forces do not affect policy directly, rather they influence policy through their effect on perceptions, calculations and balance of power among political actors'.

If financial pressures provide the 'spark' for the trust vehicle, it is therefore consideration of the wider issues that fuels its onward journey. The decision to progress down the trust route is fuelled by a wide range of arguments (see e.g. Torkildsen, 1993; Dickens, 1994; Sports Council, 1994a; Association of Direct Labour Organizations (ADLO), 1997; Randall and Bussell, 1997; Davis and Taylor, 1997; Taylor, 1998; Sinclair, 1998; Anderson and Wood, 1998), including:

- the protection of services and jobs through tax advantages and savings on National Non-Domestic Rates;
- enhanced sponsorship/fundraising potential;
- greater financial and managerial autonomy;
- a single-issue focus;
- culture change; and
- stronger community involvement.

Key financial advantages available to new leisure trusts include savings on VAT and NNDR. These financial savings have in many cases allowed the imminent closure of facilities to be avoided with the result that services and jobs have been protected. Trusts are also free from capital controls, and able to raise funds independently without any borrowing counting as public expenditure. Davis and Taylor (1997, p. 9) hold that 'once established, leisure trusts are excellently placed to take advantage of additional sources of funding, joint developments and business expansion'.

Managers are also able to use financial resources more flexibly, and to make more

responsive decisions without needing recourse to lengthy local authority procedures. The Sports Council (1994a, p. 2) therefore argue that 'the independence of trusts enables a more entrepreneurial, opportunistic, flexible and responsive style of management to develop'. Furthermore, it is argued that trust managers are able to focus their efforts exclusively on the leisure service. As Curson (1996, p. 77) observes, 'the fact that their operation is a core activity rather than a fringe activity of a multi-functional organization with other priorities is perceived to be important to trusts' success'.

The Sports Council (1994a, p. 2) argue that trusts also provide staff with a fresh opportunity, and 'an impetus for renewed enthusiasm'. In a new, independent, more entrepreneurial organization staff may have opportunities for a higher level of involvement and a greater sense of ownership over the success of the new organization.

Finally, trusts' involvement of service users and community representatives on the board is often promoted as a step forward. For at least one former trust Chief Executive, community involvement provides 'the greatest advantage': 'We have 90 shareholders representing community groups, so they are all feeding us information about the local population' (David Kerrigan, quoted in Ramrayka, 1996).

However, while the trust vehicle is fuelled by the above arguments surrounding the potential advantages of transfer, the purported disadvantages may apply a 'brake' on the process. Indeed, in some cases where the trust option has been rejected, these factors have been sufficient to bring the whole project to a standstill. Key disadvantages claimed to accompany new leisure trusts include:

- the loss to the council of control over services;
- the loss to the council of their ability to plan strategically for the needs of the whole area;

- concerns over the future availability of financial advantages;
- concerns over trusts' ability to raise capital finance;
- an erosion of the 'public service orientation'; and
- concerns with regard to probity and accountability.

Councils have traditionally enjoyed direct and authoritative control of local leisure services, but following transfer they must rely on more indirect forms (Simmons, 2001). The Sports Council (1994a, p. 2) suggest that 'the erosion of the local authority's strategic control is a major issue', and 'members' fears over loss of control' duly appears in the Thurrock Council (1997) survey as the most important factor in local authorities rejecting the trust option. Many local authorities also remain cautious of adding to the general fragmentation of public services by creating a new leisure trust. Financially, changes in current regulations governing VAT and NNDR could negate some of trusts' key advantages. As the CPS (1998, p. 31) point out 'there is no guarantee that the current level of savings will be maintained in the future'. Doubts have also been expressed in some quarters over trusts' ability to raise sufficient finance for substantial capital works, although there is varying evidence for this.

Finally, the movement of leisure services out of the public sector raises governance issues. Trusts may be regarded as closer to the public sector than they are to the for-profit private sector. However, some argue that the public service orientation associated with local authority services may still be eroded following transfer, that transfer leads to a loss of direct democratic accountability, and that reduced scrutiny may hinder the council's attempts to counter corruption (CPS, 1998).

The above factors vary in their ability to bring the trust vehicle to a complete stop,

but they may each work to slow its momentum. Councils' fears of a loss of control reflect the fact that significant financial and political investments have been made into leisure services over the years. This can lead to a resistance to hand over assets and responsibility for the stewardship of services to what may be seen as an untried and untested independent organization. The future viability of trusts may also seem uncertain, dependent upon the future actions of central government over NNDR and tax regulations. However, while decision-making in such conditions of uncertainty is far from straightforward, it may be possible for the council to engage in risk analysis to establish how and where risks may best be managed. All parties are then able to plan for this outcome. Indeed, experience seems to show that many of the anticipated negative implications of transfer are implementation issues that can be minimized or eliminated through a planned approach to transition management. The remainder of this article seeks to assess this experience by looking in more detail at the new trusts in action. Key stakeholders were interviewed in five new leisure trusts—some constituted as Companies Limited by Guarantee (CLG), some as Industrial and Provident Societies (IPS)—to establish how the change in organizational form had affected the service (see Table 1). These trusts were widely spread, from Scotland, to the North, Midlands, South West and South East of England.

In line with the main concerns for public policy arising from the above arguments, four broad issues were considered:

- culture change;
- performance;
- accountability and control; and
- governance and partnership.

CULTURE CHANGE

In a recent business plan, one large trust stated that 'the move from a local authority

Table 1 Scope and characteristics of the trusts consulted

Trust	Organizational structure	Size	Services provided	Governing board
A	CLG	L	Sports facilities	Mainly Appointed, Multi-stakeholder
B	IPS	M	Sports facilities	Mixed Elected/Appointed, Multi-stakeholder
C	IPS	S	Sports facilities	Mixed Elected/Appointed, Multi-stakeholder
D	IPS	L	Sports facilities	Mixed Elected/Appointed, Multi-stakeholder
E	CLG	M	Sports facilities	Mainly Appointed, Multi-stakeholder

Key: CLG: Company Limited by Guarantee; IPS: Industrial and Provident Society; L (Large): ten or more different facilities; M (Medium): between six and nine different facilities; S (Small): between one and five different facilities.

organization to an externalized/outsourced organization was not an inconsiderable issue—the culture changes have been immense’. This is a common perception inside leisure trusts. Yet what evidence is there for this level of change? Transfer involves movement to an entirely new organizational form, but this in itself may not result in significant culture change. Birchall (2002, p. 160) suggests that ‘we must bear in mind the possibility that it may not have any noticeable effects . . . from the outside it may look like business as usual’. However, as he goes on, ‘the importance of organizational form is in its ability to constrain certain types of behaviour and allow the promotion of others’. It is perhaps in this more progressive sense that structural change has affected organizational culture.

Repositioning themselves as independent organizations exposes trusts to new cultural influences. Perhaps the most important of these is commercial competition. There is no doubt that staff and managers in the new trusts have become all-too-aware of their greater exposure in the marketplace. Parent authorities’ fears of continuing cutbacks have usually meant that guarantees of future funding have not been forthcoming. The

resulting belief that the council will not be there to ‘bail them out’ if the trust fails is therefore pervasive among trust staff and managers, and has become a force in the acceptance of wider culture changes.

Before, we knew the council would always give us money. As soon as we went to a trust that string was cut. Now if we want anything we shout but we’re told to go away. (Trust Centre Manager, IPS)

If this factor represents a ‘stick’ however, there is also a potential ‘carrot’. There appears to be a feeling among some staff that their new-found autonomy means the future is in their hands. This belief in their own agency in moving services forward, though perhaps less universal, provides a further important cultural influence in many new leisure trusts.

I think a big part of our success is staff being involved in their own destiny. It’s the ultimate stakeholder economy. (Peter Bunday of Greenwich Leisure, quoted in Ramrayka, 1996)

It is common for trusts to report that greater autonomy and a single-issue focus have allowed more attentive management, a more dynamic approach, greater flexibility, and

less 'political interference' in their work. Furthermore, it is often said that restructuring has given people a clear role in the new organization and led to a renewed sense of agency and mission. Yet while these factors may be keenly felt, and contribute significantly to the sense of a changed organizational culture, a question remains as to whether they have led to an abandonment of the more traditional values associated with public sector services.

Trusts have had to focus on making themselves competitive in their new environment. In doing so, 'managerialist' beliefs have tended to become more prominent. Evidence for an increase in managerialist modes and systems of co-ordination in the new trusts is widely reported by insiders, and includes clearer goal setting, proactive management to these goals, attempts to remove 'red tape', increased use of performance-related incentives, greater attention to organizational communication strategies, and improvements in the quality and usage of information management systems.

The view of many trust managers is that transfer does not necessarily involve as radical a shift towards managerialist modes of co-ordination as happened under CCT, but they accept that the move to a new, independent organization standing alone in the marketplace has resulted in a further shift in this direction. However, while managers have noted the 'more businesslike' environment which has been created, in few cases has the movement to a more managerial culture been reported as having had notably deleterious effects. In word and deed, most trust staff and managers retain key public service values following transfer.

Under the previous CCT regime, Direct Service Organizations (DSOs) found themselves 'not fully divorced from public sector service provision values, but at the same time with little power to deal effectively in the commercial domain' (Bramham *et al.*, 1994, p. 128). Greater autonomy in the new

leisure trusts has brought a sense of being able to respond, and a feeling that they have broken free from some of the shackles which had held them back before. It is therefore not clear that ambiguities in leisure trusts' role between ideologies of welfare and the market are being resolved in favour of the market. Almost all respondents seem to feel that their new organization is more focused in both areas. There is general recognition of the importance of financial objectives. Not meeting targets, one trust manager observed, 'would put jobs at risk'. However, the ability to reinvest operating surpluses in services is also reported by staff at all levels as a 'real incentive' to good performance, particularly where this feeds trusts' ability to progress their social objectives. This widespread commitment to achieving social goals indicates that a public service ethos continues to thrive in the new trusts.

Culture change in the new leisure trusts seeks to improve the way they operate and deliver services. The aim is to put the right building blocks in place to move the organization forward in the most positive way. Yet culture change does not in itself guarantee such improvements. The study of performance in new leisure trusts requires a different set of questions.

PERFORMANCE

Performance information from existing trusts has been widely sought as an indication of how the trust model is faring. Much of the early information coming out of the new trusts is still partial and context-specific. Despite this, we attempt to show how new leisure trusts appear to be performing in terms of (i) economy and efficiency, (ii) effectiveness, and (iii) quality.

Economy and efficiency

Following transfer, many trusts report a more intense focus and higher levels of corporate activity. This indicates an increase

in the level of output. Most trusts claim that this additional output has also been achieved with reduced financial support from their parent authorities, which indicates a reduction in the level of inputs. Staff at different levels were fairly unanimous that things in general were happening a lot quicker. Furthermore, many of them were clearly enjoying the change:

We've had loads of work done ... Its busier now—but it's absolutely great, isn't it? (Centre Manager, IPS)

We are all very busy, busy ... Things we have been wanting to get done for ages are now possible ... It forces us to work doctors' hours, which is tough—but we are all heartened by it, we're all able to benefit. (Chief Executive, CLG)

This change in the ratio between inputs and outputs suggests a winning formula for economy and efficiency in the new leisure trusts. Yet additional activity does not necessarily equal improved performance, and questions remain as to the effects of transfer on key indicators such as usage, income and expenditure. When we looked at these indicators, however, most trusts appeared to be performing well. The overall trend on *usage* is upward. For example, in South Oxfordshire a 9% increase in attendances in 1999/2000 was followed by a further 23% increase in 2000/2001 (This is Oxfordshire, 2001). Similarly, in Islington usage increased from 1.75m visits in 1997/8 to just under 2m by the end of 1999/2000 (Aquaterra Leisure, 2000). With regards to *income* and *expenditure* there is also evidence of a positive trend, although to differing degrees. For example, there are trusts like Greenwich Leisure:

... a highly successful enterprise, which has increased the number of facilities in Greenwich from seven to 11 and trebled income in the last 6 years to over £9 million. At the same time it has more than halved the cost to the local authority for providing

the service—and incidentally won quality marks under Investors in People, Charter Mark and ISO 9002. (Mayo and Moore, 2001, p. 17).

Established in 1993, Greenwich is the longest-running of the new leisure trusts and has actively built up its capacity throughout its history. In other trusts the dust is still settling and they are learning to walk before they can run, although it also seems that some trusts are just more developmental and entrepreneurial than others.

Effectiveness

Another key question concerns trusts' performance against their objectives. Again the story is encouraging. With regard to *financial objectives*, increased income and reduced expenditure (particularly the major savings on NNDR and VAT) tie in well with trusts' objectives of financial survival. There is even evidence of growth, mostly through investment in state-of-the-art fitness and soft play facilities to capitalize on recent trends. Improved financial performance also provides trusts with more of a cushion to cross-subsidize loss-making services than had previously existed. In an excellent example trust leisure centre surpluses are used in Hounslow to cross-subsidize their library provision (Allen, 2001).

Trusts' *social objectives* may be classified as either general (community-wide) or targeted (aimed at specific sections of the community) (Taylor and Foote, 1996). At a general level, trusts claimed to be more responsive to the needs of service users, based on the fact that quicker decisions can be made about supporting service innovations. Trusts' ability to cross-subsidize has also helped put seed money into developmental projects. As one Director of Leisure Services puts it, 'local authorities can sometimes be slow in reacting to leisure trends ... this way there is more flexibility' (Paul Hayfield, quoted in Taylor, 1997).

On a targeted level, the evidence is also

favourable. Trusts have maintained concessionary pricing arrangements, and additional outreach work has been reported. There is, however, a difference in approach in different localities with regard to sports development. Practice has turned out to be variable where parent authorities have chosen to retain responsibility for development activities, and it seems that development has more commonly benefited from transferring to the trust.

Quality

Quality is an important, though contested, dimension of performance. There is evidence that trusts are making new efforts to engage with service users over aspects of quality, and that this is having some positive effects in moving the new organizations to more of a customer orientation. Improved communication with service users has been matched by improvements in internal communication—particularly in those trusts constituted as worker-led organizations:

Staff are much more involved and committed. Democracy is important—if its being voted on they want to know what's going on. (Centre Manager, IPS)

Communication is a big issue. It was 'them and us' before between management and the staff—they'd never tell us anything. We now have more group meetings—it wouldn't have been done under the council. Now there is very little 'them and us' ... after all, all the staff are shareholders. (General Manager, IPS)

However, there is a suggestion that other than the admittedly fundamental benefits of avoiding closures and/or extending the opening of facilities, little has actually been achieved at the 'front end' of services. Hence, when respondents were asked what changes customers might have noticed in the services the trust provides, there was little mention of anything more than relatively minor changes. Certainly trusts have been able to

invest small sums in minor repairs/decorations and new equipment that often make a real difference. However, a key issue in the current environment is whether they are able to raise the more significant levels of finance required to refurbish or build new facilities. There is conflicting evidence on this issue. Several trusts (e.g. Barnsley, Greenwich, Sheffield) have been able to attract investment—often from sources which would be inaccessible to local authorities. Nevertheless, one of the earliest trusts, Leisure Link in Bexley, 'found that investors were reluctant to come forward' (Best Value Inspection Report, LB Bexley, 2001).

To summarize, there are two key questions for performance in the new leisure trusts. First, has performance improved? Second, would any changes have happened anyway? Definitions of what is better or worse are inherently contestable (Stoker, 1997). However, on many fronts there do appear to have been positive changes. Perhaps the most fundamental has been the fact that in some cases entire facilities have been kept open which would otherwise have been closed or had their opening hours substantially reduced. Beyond this there is reason to believe that transfer has led to a rejuvenation in leisure services which could not otherwise have been expected. Such factors as greater levels of managerial autonomy, a single-issue focus, speed of decision-making and higher levels of resourcing have all been important. They have resulted in higher levels of activity, the freedom to use budgets responsively, and the ability to be more focused on key objectives. However, as some commentators have pointed out, excessive autonomy carries dangers:

How implementation is to be carried out is a task for implementors, for which they are to be held accountable, but where autonomy is vital. Without [autonomy] implementors cannot utilize their capacity to judge what means are conducive to the ends and adapt to environmental exigencies. However, com-

plete autonomy for implementors would mean an absence of restrictions on their behaviour, so negating the fundamental accountability nature of the interaction between citizens and implementors. (Lane, 1995, p. 110)

The link between autonomy, performance and accountability is therefore important, and one that deserves further attention.

ACCOUNTABILITY AND CONTROL

While managerial autonomy may have increased performance in new leisure trusts, the interests of key stakeholders need to be incorporated in their accountability relationships. Trusts' responsibilities stem from the specification by the parent authority of organizational activities, outputs and outcomes in such mechanisms as leases and funding agreements. From this perspective, Simey (1985, p. 237) asserts that the purpose of accountability 'is to govern the relationship between those who delegate authority and those who receive it'. However, as well as this more formal sense of accountability (or 'agency'), there is also a more informal sense (or 'moral obligation'). This informal element is often of equal significance, representing responsibility for meeting the diverse expectations of other stakeholders such as workers and service users.

The differentiation of formal and informal components of accountability often becomes blurred in practice (Simmons, 2001, 2003). For Thomas (1998, p. 350), the upshot of such reforms has therefore been 'to make accountability a more complex phenomenon, more diverse in its criteria and procedural requirements and potentially more confusing and inconsistent in its outcomes'. For organizations such as leisure trusts, Kumar (1996, p. 246) argues that 'the pull in terms of accountability is likely to concentrate on the dominant actor who has strong voice and exit opportunities', particularly if sanctions involve the withdrawal of financial

resources. Actors with strong exit and voice therefore tend to be state funding agencies. Interestingly however, Johnson *et al.* (1998, p. 324) have noted that for state funders:

... there are issues surrounding the availability and use of exit. The closure of an agency or the withdrawal of the contract are ultimate sanctions, but the possible political repercussions and the interruption of service mean they will be used only as a last resort.

For these reasons, the use of ultimate exit sanctions is problematic for parent authorities. They need alternative methods of maintaining an appropriate level of influence over new leisure trusts. This means a greater role for authorities' power of voice, and local authorities are now beginning to establish a new dialogue with trusts, even though their influence may be seen as more indirect, flexible and subjective as it crosses organizational boundaries (Skelcher, 1998).

For informal stakeholders, the power of voice is also the most effective available form of influence, and a failure by service providers to respond to the views of these stakeholders may lead to a loss of their support. Yet in the absence of stronger formal sanctions this may not represent much of a threat. Here accountability 'depends rather less upon any clearly defined right of those accounted to and rather more on the willingness of those who are accountable' (Leat, 1988, p. 20). This represents a shift to 'managerial accountability' from the more traditional 'political accountability'—a shift that has led to accusations of a 'democratic deficit' in the new leisure trusts. It has been argued that this deficit is balanced out by gains in managerial responsiveness to the concerns of service users.

For some commentators, however, the mechanisms of managerial accountability do not go far enough to fully redress the balance. They insist that organizations such as new leisure trusts, where there is a strong public interest, should be willing to give a stronger

voice to informal stakeholders such as service users. Kumar (1996, p. 250) puts it quite simply: 'In order to operate accountably, organizations need a forum where stakeholders can *negotiate*' (emphasis added). This view is supported by Lowenberg (1997, p. 53) who makes the point that:

[Transfer] can produce closed, secretive, unresponsive organizations. The challenge for local authorities is to design the [trust] mechanism to promote effective involvement.

GOVERNANCE AND PARTNERSHIP

Corporate governance provides an arena in which stakeholder perspectives can come together for dialogue and negotiation. However, the inclusiveness of corporate governance depends on the way stakeholder rights and responsibilities are determined. In an organization such as a new leisure trust where there is a strong public interest in the service being provided, this process can often be controversial.

Trusts are governed by a board of directors (or equivalent committee). Membership of the board is a key issue and merits close attention in the transfer process. It has been argued that synergy may be created in the new organizations by bringing together a range of stakeholders in their governing structures (Huxham and Vangen, 1996, 2000). The suggestion here is that multi-stakeholding promotes a meaningful dialogue between stakeholders and reduces imbalances in the information and power held by each of them. This provides for an alignment of objectives and agreement on action (Huxham and Vangen, 1996) and also a system of checks and balances to help avoid the corrupting influence of power (Turnbull, 1997, 2001).

Most trusts appear to be keenly aware of their multiple accountability relationships, and have admitted a range of stakeholder interests to the Board. In almost all cases, this has brought a positive payoff. Incorpor-

ating the perspectives of service users, staff, business interests and the wider community is widely acknowledged to have raised the level and quality of debate over service provision—even by councillors who were formerly solely responsible for the service.

However, in discussions with managers and staff within the trusts, there is little doubt who is seen as the leading stakeholder. As one Centre Manager expressed it, 'in terms of accountability, the council is king'. Leisure facilities are usually leased to the new trusts by the authority in whose ownership they remain. Furthermore, a revenue grant of around 50% of operating costs is often provided by the authority. The continued use of public money and/or physical resources is therefore central, and councils retain a strong interest in how these resources are used. Parent authorities have strong leverage over the way trusts conduct their business. The combination of regulatory systems, ongoing monitoring, the threat of sanctions and involvement in corporate governance structures provides them with a robust set of controls. Rather than direct control, however, these arrangements require the 'management of influence' (Stewart, 1995). This influence was generally considered in interviews to be 'very strong', but it was also recognized that parent authorities now have to 'bob and weave' in a constant process of negotiation and renegotiation with the trust as a principal in its own right.

This leads some to suggest that 'the ability of elected officials to respond to public pressure and change aspects of a service on a day-to-day basis is gone' (Corry *et al.*, 1997, p. 45). It has therefore been suggested that the leverage may not be as effective as direct control (ADLO, 1997). However, the movement away from the authoritative relationships previously enjoyed by elected members does not appear to have had any notably deleterious effects.

Important issues emerging from the poli-

tical process may still be brought forward—for example through formal representation of the council on the board, where they can be discussed with other board members drawn from a range of backgrounds and perspectives. In this way, multi-stakeholder trust structures provide new ways of doing business, potentially working in tandem with parent authorities to meet strategic goals in a manner which builds on the strengths of each to the benefit of both.

Following transfer there tends to be a stronger focus on more strategic issues, and a movement towards a more loose and trusting contractual arrangement. This is typically supported by a 'relational' approach, based on 'long-term social exchange between parties, mutual trust, interpersonal attachment, commitment to specific partners, altruism and co-operative problem solving' (Duberley, 1997). There have clearly been benefits from this change of approach. Staff told us that:

We feel less interfered with. Its less direct—you don't get the harassment you had with CCT. (Centre Manager, CLG)

That 'clipboard mentality' has gone. We've all moved on to looking at the bigger picture. (Centre Manager, IPS)

Trust managers and client officers agree that the transaction costs of monitoring have been reduced and that the whole relationship seems to be based on a more mature and stable footing. These arrangements form the basis of an emerging sense of partnership between trusts and their parent authorities, and they are proving to be both popular and effective. However, such arrangements may have negative effects if relationships become too comfortable over time, with trust being shared between self-serving actors from either side of the newly-created partnership (Seal and Vincent-Jones, 1997). These arguments provide support for the idea of inclusive governance structures, with regular competition for members to be re-appointed.

Partnership is a key issue for both trusts and their parent authorities. From trusts' point of view, the push is likely to be for greater autonomy.

In regard to the partnership there are still some issues to be resolved—the relative autonomy of the board, the scope of its independence of action and arrangements for the use of surpluses. (Chair, CLG)

However for parent authorities, tensions may arise around their responsibilities in simultaneously contributing to the partnership while exercising control. As one senior council officer put it:

It's not a policing role—we regard it very much as a partnership issue. On the other hand we are publicly accountable ourselves and have to be clear that money is being used effectively.

The balance between organizational autonomy and local authority control/influence remains at the heart of these new partnerships. Yet for Stewart (1997) there is a dilemma in the management of regulation as to how to: (i) ensure effective enforcement; (ii) make the critical choice between sanction and influence; (iii) allow or control discretion; (iv) sustain relationships; *and* (v) do all these at the same time. An insight into these issues, alongside an understanding of what constitutes 'positive partnering', should form a fundamental part of our understanding of the relationships upon which future service delivery and service development in the new leisure trusts is coming to depend.

CAN TRUSTS BE TRUSTED?

Independence is essential to new leisure trusts if the potential benefits from transfer, such as tax advantages, cultural benefits, increased performance and enhanced corporate governance are to be gained. However, the basis for partnership with the parent authority is also vital. According to

Painter *et al.* (1997), local authorities have learned that oppositional or avoidance strategies are often counterproductive, depleting the levels of trust necessary to economize on transaction costs. A 'relational' approach to contracting is therefore considered to be more appropriate. However, the focus here on long-term relationships, interpersonal attachment, mutual trust, commitment and co-operation runs the risk that the relationship may become too close (Painter and Isaac-Henry, 1997). Unless trust between the two partners is limited and conditional there is a danger of regulators not keeping their eye on the ball, and important matters going unchallenged.

There is certainly much less formal monitoring of trusts, undoubtedly resulting in a cost saving for parent authorities. However, if this also means a greater level of disconnection between the two organizations it could prove a false economy. The balance for the parent authority to keep is therefore one of regulatory 'distance'; neither getting too close to or too distant from the new trust.

Yet the concept of inter-organizational distance is also important for the new trusts. Here a balance must be drawn between the desire for autonomy and the need to maintain their credibility and legitimacy in managing a public service. In this view, trusts and their parent authorities are locked together. A positive approach to partnering is therefore necessary if complementary cultures, and enhancements in performance and service development are to be promoted. This may be particularly true given the requirements of Best Value, where inspectors have sought evidence of both partners working to develop the service together:

We are concerned at the lack of strategic monitoring being carried out by the Council ... We consider it is very important that the councillors and officers of the Council play an active role in monitoring the performance

of the trust... The Council should put in place formal and robust arrangements to ensure it monitors the trust in supporting the achievement of the Council's wider objectives. (Best Value Inspection Report, Tandridge DC, 2001)

A genuine commitment to partnership working therefore goes beyond the leveraging of additional resources. If sufficient care is taken, it offers potential for the development of complementary cultures and attitudes based on trust, mutual respect for objectives, flexibility and open communication. Perhaps the biggest obstacle to this involves competition for surpluses made by the new organization. In practice, authorities are able to access any surpluses trusts make by simply reducing the revenue grant by the same amount. One centre manager reflected that 'the worry is that the grant is going to be reduced every year—you can only cut so far, or increase prices so far'. This issue has a number of implications. A major risk is demotivation within the new trusts, whereby continued incentives to innovation and efficiency may be muted (Corry *et al.*, 1997).

The distribution of surpluses is also crucially important for the development of the service. In Figure 1 we considered how cuts in local government finance had resulted in a downward service spiral. However, if trusts are able to make a surplus, the spiral can be reversed (see Figure 2). Incentives to commercialize the service are balanced by incentives to give renewed impetus to social objectives in the continued justification of public subsidies.

Removing the resources available to the trust for developmental activities risks restarting the downward spiral. In this situation, the local authority could be seen as turning from 'abused' to 'abuser'. The depth of feeling on this issue is evident. One of our respondents even claimed that the appropriation of surpluses was an attempt to limit the policy capacity of the trust—'they don't want us to be too successful, or people will

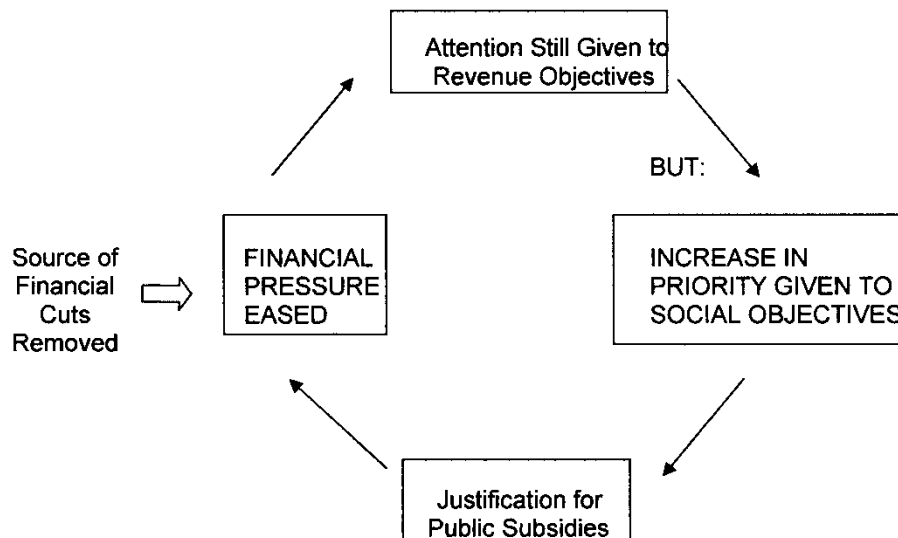


Fig. 2. An upward service spiral?

start asking questions'. In the end, deals must be done and a balance drawn which is more or less acceptable to both sides. Nevertheless, experience has shown that this balance should favour the trust, at least in the early years, particularly if one of the original rationales for transfer was to compensate for long-term underinvestment in leisure services and facilities.

CONCLUSIONS

In the absence of either policy dictated by central government, or unanimity about the idea of transfer in local government, individual local authorities are responding to the developing agenda in their own ways. There are good reasons for some councils to hold back, or reject trusts, for example concerns over the impact on central council service departments or localized factors which mean that business rate/VAT savings are not applicable. However, there are also ideological factors. Curson (1996, p. 75; see also Reid, 2003) states that:

Trusts are supported by local authorities on the left and right but for different reasons ...

The Left sees trusts as a means of widening its sphere of influence in the local political economy, whilst the Right sees them as a means of severing the local authority from the direct provision of services.

This may be so, but in the case of councils rejecting the trust option, it would be equally easy to see how dogmatic authorities of the Right might favour the involvement of private sector contractors, while those of the Left might continue to favour direct provision. The absence of clear patterns of development suggests that trusts have more often been established on pragmatic than ideological grounds. However, many local authorities have simply not yet made up their minds. Of the 200 or so authorities that still provide services directly or via an in-house contractor, a large number have declared that the 'trust option' is still actively on their agenda.

There may still be authorities where it is felt that the financial advantages of transfer do not apply, that there is insufficient scope for long-term partnership, or that partnership working may place professionals under excessive strain. In such cases, there must

be serious consideration of whether the trust model is sustainable—there is no point setting the trust up to fail. However, from the above evidence, rejection of the trust option for less objective reasons may mean the loss of a positive opportunity. Newly-formed trusts may be considered suitable external partners for local authorities for the potential synergy, or collaborative advantage, they can provide. Their potential benefits provide good reason for the continued interest of policy-makers in their deployment to deliver leisure services. If all parties are prepared to plan and work for these benefits (and, crucially, if the financial advantages are maintained), there seems no reason why this interest in leisure trusts should not continue for some time to come.

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