

Roles of Municipal Councils in Poland and in the Czech Republic: Factors Shaping the Roles and the Dynamic of Change¹

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Abstract:

Research Question (RQ): After many years of not being in vogue, the issue of representative democracy at the local level has yet again caught the scholars' attention. The interest is related both to falling turnout in local elections, disappointment in party politics as well as to the impact of the new trends such as the strengthening of the executive power or citizens' more direct involvement in the decision-making process. Quite often the afore-mentioned trends force local councils to redefine their roles.

Purpose: The main objective of the article is to investigate the factors that shape the roles of municipal councils in two CEE countries, Poland and the Czech Republic, and to track the possible dynamic of their change.

Method: The analysis conducted in the paper is grounded mainly in institutional theory. The study is based on available statistic data, examination of legal regulations, documents and information included in the corpus of selected articles and books.

Results: The outcome of the analysis conducted indicates that in both countries the basic roles of councils – representative, decision-making and administrative one – are being diminished. Nevertheless, the existing institutional framework as well as reforms implemented in recent years provide potential for the development of new roles, such as the facilitator of the governing process or a network coordinator.

Organization: The paper may contribute to better organisation of local administration at the municipal level.

Society: The study has an impact on the understanding of representative democracy in local self-governments.

Originality: The paper elaborates on representative democracy at the municipal level in Poland and the Czech Republic, countries where the discussion over this issue is still much less visible than in Western Europe.

Limitations / further research: The paper should be mainly perceived as a kind of theoretical introduction to further empirical research into the changing roles of municipal councils in Central and Eastern European countries.

Keywords: municipal councils, Poland, the Czech Republic, role, local democracy, and governance

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1 Introduction

Democratic governance is based on the active involvement of citizens in political issues. Democracy is measured not only by the degree to which the actually pursued policy reflects citizens' opinions, but also by the degree to which citizens actively take part in the shaping of political decisions (Aars & Offerdal 1998:208). One of the basic ways to influence politics is to take part in elections.

Regarding the local level, the idea of direct election of councillors appeared in Western European countries at the turn of the 18th and 19th centuries. Since that time councils, especially at the municipal level, have traditionally been considered the cornerstone of local democracy, main bodies that represent interests of local community and shape local politics. Besides representative and policy-making functions, the councils play also other roles, *inter alia* administrative and political ones.

The roles of municipal councils and their actual performance constitute the outcome of numerous territorial, historical, institutional and political factors. Moreover, the impact of the new trends, such as New Public Management, shift from traditionally understood governing style to governance-like decision-making, or citizens' more direct participation in the decision-making process, should not be underestimated.

After many years of not being in vogue, the topic of representative democracy at the local level has increasingly started to appear in scholarship. Nevertheless, Western European researchers elaborate on it mainly either in the context of party politics (Copus 2004; Reiser, Holtmann 2008), the changing leadership models (Copus 2006: pp.164-190) or the role of individual councilors (Egner, Seeting, Klok 2013). Additionally, in the Nordic countries the discourse regarding the impact of NPM and network governance on representative democracy can be also noticed (Hansen 2005; Nyholm, Haveri 2009). In the still so-called "new democracies", the discussion is however much less visible. Therefore, the main aim of the article is to investigate the factors shaping the roles of municipal councils in Poland and in the Czech Republic as well as to present the possible dynamic of their change. In the analysis conducted, attention is paid to such issues as the number and size of municipalities, the scope of their powers and financing system, the number of elected representatives, the adopted model of institutional leadership, and the presence of political parties. Moreover, the influence of new trends, mainly connected with citizens' deeper involvement in the decision-making process, is duly taken into account. The main research hypothesis assumes that although local governments in both countries have much in common, and often are even labelled as one model (Loughlin, Hendriks, Lindström 2012), the roles performed by municipal councils slightly vary and also show potential for a considerably different development.

The paper is divided into five main parts. The first section describes the approach and methodology applied in the article. The second one presents the catalogue of roles performed by municipal councils and focuses on the issues influencing them. The third part of the paper

provides institutional description of municipal governments in Poland and in the Czech Republic. The fourth part discusses the factors that seem to have key impact on the municipal councils' roles in both countries. The conclusion contains main research findings.

2 Research Approach and Methodology Used in the Present Study

The analysis conducted in the paper is grounded mainly in institutional theory. An institution is seen as “a normative context that constitutes actors and provides a set of norms in which the reputation of the actors acquire meaning and value” (Katzenstein 1997: pp.12-13). Nevertheless, since the aim of this article is to reflect the dynamic of institutional change, new institutionalism is applied as the main approach and the core methodology (March, Olsen 2006).

For a number of reasons, new institutionalism seems apposite with regard to analysing the roles played by municipal councils in both countries. Firstly, this approach puts an emphasis on the evolutionary character of institutions and draws attention to the fact that, as a result of the complex process of governance, traditional local structures, such as municipal councils, have been offset by new bodies, stemming directly from the traditions of participatory and deliberative democracy. Secondly, the said approach enables researchers to observe and illustrate the dynamics of the evolution of institutions, their diversity as well as tensions generated by them. Thirdly, new institutionalism features a number of diverse trends, each of which highlights different aspects of the institutions under question.

The analysis expounded upon in the present paper regards only councils at the basic, municipal level. The study is based on available statistic data, examination of legal regulations, documents and information included in the corpus of selected articles and books. Therefore, the paper should be mainly perceived as a kind of theoretical introduction to further empirical research into the changing roles of municipal councils in Central and Eastern European countries.

3 Catalogue of Municipal Councils' Roles and Factors Shaping Them

As indicated in the Introduction, the municipal council plays several roles, which can be further examined in the light of the external and internal context. On the one hand, referring to the external settings, the municipal council conducts the business of representation and act as an advocate and defender of citizens' interests. It is also responsible for formulation of local policies and practices, which are perceived as meeting social needs and delivering welfare. The council should also provide leadership, at the same time being accountable to local residents. Moreover, in many countries the body is seen as a local party arena, a place where conflicting interests meet (Copus, 2004). On the other hand, with reference to the internal context, municipal council performs an administrative role. It constitutes the main decision-making body that sets up priorities and creates development strategies. The council is also responsible for monitoring the effectiveness of implemented regulations (Wilson & Game 2011: pp.272-281). In many European countries, they also have important competences

related to electing and scrutinising executive power. Finally, linking both the external and internal context, the council also creates an official link between local citizens and municipal administrators.

The actual (real-life) roles played by the municipal council within the governing process, depend however on a variety of other factors. Firstly, the adopted concept of local self-government and the values upon which its institutions have been built constitute an important issue. In this context, Stoker indicates that local government can be perceived as a supporter of political identity, as an institution that underwrites economic development, as a facilitator of social provision or a lifestyle co-ordinator (Stoker 2011). In many countries, the applied understanding is reflected in the structure of local government, in the size of municipalities and in the scope of their competences. Secondly, referring to institutional settings, the adopted model of leadership and the relation between legislative and executive branch are also of crucial importance. Referring to the typology created by Mouritzen and Svava, in some models (committee-leader, collegiate) councils have a bigger say, whereas in others (strong-mayor, council-manager) their power is limited by the executive or administrative official(s) (Mouritzen & Svava 2002). Thirdly, the scope in which municipal arena is penetrated by political parties plays an important role as well (Resier, Holtmann 2008).

Moreover, it seems that since the end of the 1970s, the role of elected bodies has been influenced by other factors. Firstly, at the turn of the 1970s and the 1980s in many states the approach to public administration shifted from the traditional, i.e., Weberian, idea of bureaucracy to New Public Management (NPM); (Pollitt, Bouckaert 2011). The key aim of the implemented change was to ensure economy, efficiency and effectiveness of public organisation as well as to provide services in a better way. In order to achieve these objectives, many countries limited the role of public administration, including elected representatives of local communities, and shifted some of their responsibilities onto other institutions (agencies, quangos, businesses). That trend was clearly visible in the Anglo-Saxon and some Nordic countries, where NPM was implemented to relieve politicians of the majority of decisions and reduce their competences to establishing more general frameworks, with decisions being made elsewhere (Hansen 2005; Nyholm & Haveri 2009).

Secondly, in the 1990s in many countries the change of traditional governing process into governance-like decision-making was observed. Whereas under the rule of the first concept decisions are a product of formal institutions of central/local government, the latter one assumes collaboration of the public, private and non-profit sectors to achieve mutual goals. Lack of hierarchy, flexibility and networking constitute important and highly prized values. (John 2001, Hambleton 2003). Importantly, the governance paradigm also puts emphasis on the quality of local democracy. In consequence, a number of reforms have been implemented to achieve a wider inclusion of other stakeholders into decision-making processes, as a result forcing local governments to move from a traditional representative democracy towards a participatory and deliberative one (Bevir 2011). This resulted in more frequent referendums and local consultations, but also led to the introduction of completely new forms of civic

involvement, such as co-production of local services, participatory budgeting, local initiative, etc. As a consequence of these factors, representative bodies have ceased to be sole creators of politics and have been forced to negotiate with other local actors. The scope of their accountability for the results of the governing process has also been questioned.

Thirdly, the impact of general trends, such as urbanisation, globalisation and Europeanisation, on local government should not be diminished. Fourthly, notwithstanding these tendencies, there are also mezo- and micro-trends that influence the role of representative bodies (Denters, Rose 2005). On the one hand, in many countries there has been a marked decline in the level of trust in local institutions, including political parties and groupings, which have a vital role to play in a representative democracy. On the other hand, residents are increasingly better educated and critical towards local authorities, which often lead the communities to take initiative to solve local problems. Both DIY (do-it-yourself) and DIT (do-it-together) democracies are prime examples of such initiatives. Finally, it should be stressed that in view of the on-going late-2000s economic crisis, where the effectiveness of local administration is paramount, a number of countries have chosen to implement structural-functional reforms. Some states have acted to reduce the number of municipalities (Sweden, the Netherlands, Denmark, England, Finland) or are about to do so (Slovakia, the Czech Republic). Some have opted to change the scope of the powers of local governments.

Therefore, it can be said that although in many European countries the council is still formally considered the cornerstone of municipal democracy, the scope of its actual power and say in governing process has been significantly diminished. The situation forces the body to redefine its role and to seek new ways of asserting its presence. The process is also visible in CEE countries, where most of the above-described reforms and tendencies appeared during last two and half decades.

4 Municipal Councils in Poland and in the Czech Republic

Available scholarship quite often classifies local democracy in Poland and in the Czech Republic as the “ex-communist”, “new-democracies” model (Heinelt & Hlepas 2006; Loughlin, Hendriks, Lindström 2012). Indeed, on the one hand, local governments in both countries have much in common. Firstly, until 1989 both were under the communist rule, where public administration was centralised and as a result the role of local authorities was very limited. Secondly, after the regain of independence both countries faced similar problems, connected with i.e. the weakness of local structures, the urgent need of transformation and decentralization of the system, as well as with the absence of democratic control on the side of society (Radzik-Maruszak 2014). Moreover, as a consequence of above, both states decide to implement extensive reforms at the local level in a relatively short period of time, which as corroborated by researchers, resulted in a number of tensions and collisions (Campbell & Coulson 2006). Thirdly, Polish and Czech local governments undoubtedly share common cultural setting and values, such as decentralisation or aloofness towards party politics at the municipal level (Jüptner 2008). On the other hand, there are however still

significant differences between both local democracies. They can be noticed in the territorial organization of the state, adopted model of leadership as well as in the attitude towards wider citizens' involvement into decision-making process (Jüptner et al. 2014). Many of these factors affect the roles of municipal councils, thus they will be elaborated on in the following section of the article.

Poland

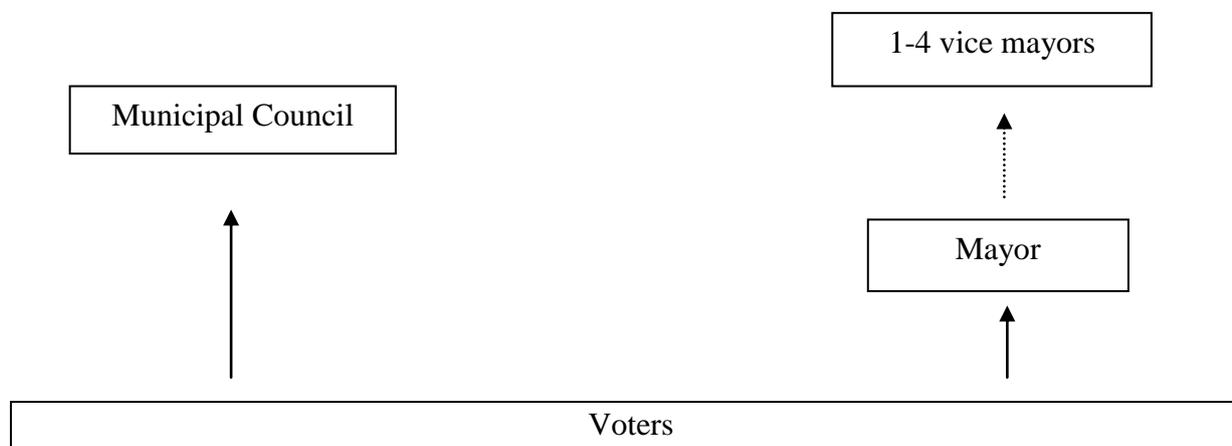
The institutional framework of local democracy adopted in Poland is a result of various political, economical, and social reforms implemented after 1989 under the popular banner of decentralisation. The primary stage of the process – the so-called “first wave” took place in 1990 on the basis of the Municipal Government Act, while the latter one in 1998 on the grounds of the Regional Government Acts. Importantly, in comparison with local governments in other CEE countries, Poland introduced reforms in a fast and decisive manner, thus in scholarship it is often labelled a champion of the decentralisation (Swianiewicz, 2014a). Presently, local self-government has a strong legal basis, including regulations collected in The Constitution and many other acts and laws of lesser importance.

Local government in Poland is mainly understood as a way of carrying out public tasks in a decisive and autonomous manner by entities that are separate and independent from the state (Dolnicki 2009: pp.17). Furthermore, general community-related issues, including the fact that the local government creates citizens' identity and that its authorities express residents' will and concerns, also play a key role. At present, there are three levels of local government: 2 479 municipalities (2480 from 1. January 2016), 314 counties plus 66 cities with county rights, and 16 regions (Statistical Yearbook of the Republic of Poland 2015). In comparison to many other CEE countries, Polish local governments, particularly municipalities, have a relatively big size and are responsible for a variety of their own as well as commissioned tasks. According to the 2015 Statistical Yearbook of the Republic of Poland, only 42 municipalities have fewer than 2 500 inhabitants, whereas the majority, 609 out of total 2 479, have from 5 000 up to 7 499 residents. Regarding the tasks, own responsibilities of municipalities include pre-school and primary education, communal services such as water distribution and sewage disposal, solid waste collection and street lighting, local roads and, in case of cities, also local public transportation. Other own municipal competences include communal housing, spatial planning, social services, i.e., social benefits, maintenance of voluntary fire brigades, local libraries and centres (The Act on Municipal Government 1990). Commissioned tasks include *inter alia* registration of births and marriages or issuing identity cards. Therefore, it can be said that Polish municipalities in their size and responsibilities refer rather to the Northern model of local government.

Municipalities in Poland enjoy relatively large financial autonomy, as they are the only local units that collect own taxes. Property tax plays a key role, providing more than half of all municipal internal revenue. Other fiscal sources of income include farmland and forest taxes as well as the taxes on vehicles, dogs and civil law activities. Additionally, municipalities

have a share in two national taxes, as they receive nearly 40% of the proceeds from Personal Income Tax (PIT) and almost 7% from Corporate Income Tax (CIT).

Scheme 1: Institutional framework of municipal government in Poland



In municipalities, political power is shared by councils (consisting of from 15 to 45 members) and the directly elected mayor (Scheme 1). It should be noted nevertheless that up to 2002 municipal organisation was different. Firstly, the council was bigger and consisted of from 15 to even 100 members. Secondly, executive power was held by a collegiate board, elected by a council board. As Swianiewicz indicates, the reduction in the number of council members was mainly implemented as an effect of a populist discourse stressing the importance of “cheap state” and a conviction that having too many elected representatives is expensive and not productive (Swianiewicz 2012: pp.493). The decrease in the number of councillors was especially visible in larger municipalities. The second change – replacement of the collegiate board by a directly elected mayor – was the outcome of the then widespread aspiration to make local leadership more visible and accountable. In Polish discourse over direct mayoral elections, however, other arguments were also mentioned. Firstly, there was an expectation to make local voting more interesting for citizens. Secondly, there were hopes for better municipal management. At the same time, opponents of the reform argued that direct elections of both bodies might cause political tensions, situation of “local cohabitation” and, in consequence, difficulties in day-to-day operation of municipal government. From the perspective of fourteen years since the reform was introduced, it seems that both advocates and adversaries of the solution were right. On the one hand, Polish mayors are visible and powerful leaders, on the other hand, however, in some municipalities tensions between legislative and executive bodies can be observed (Sidor, Kuć-Czajkowska, Wasil 2015).

According to the Polish law, presumption of competence for municipal council applies. The key responsibilities of the council include, however, adoption of the municipal statute and other resolutions, including the municipal budget. The body also appoints and dismisses the municipal treasurer, determines the scope of responsibilities and funds of the auxiliary units,

as well as decides about the level of municipal taxes and levies. Moreover, the council appoints municipal committees, among which the audit committee enjoys the highest importance. The body also scrutinises financial policy conducted by mayor, including performance of the budget. However, when the council does not approve of mayoral decisions, it does not bring any significant legal consequences for the latter one. The inner council bodies include a chairperson and up to 3 vice-chairpeople. All of them are elected in a secret ballot by the majority of votes in the presence of at least half of the statutory members of the council. The chairperson is responsible for setting the agenda of council meetings, convening and chairing them. The council meeting has to be called at least once in three months. The mayor exercises the executive power, and is responsible *inter alia* for preparing draft resolutions, drawing up development programmes, determining the performance of resolutions, managing municipal property, implementing municipal budget and employing/releasing heads of municipal organisational units. Moreover, she/he runs current affairs and represents the entire municipality (The Act on Municipal Government 1990).

Each municipal council is elected for a four-year term in popular (universal), equal and direct elections under the majority rule (In urban municipalities with county rights proportional representation rule still operates). Moreover, in the last 2014 elections the single-member constituencies were applied in all municipalities for the first time. The right to nominate candidates for councillors is held by the election committee of a political party, the coalition of election committees, the election committee of organisations and the election committee of voters (Kodeks wyborczy, 2011). The mayor is elected also for a four-year term in popular (universal), equal and direct voting. The majority rule operates here as well. If none of the candidates gets the absolute majority of votes in the first round, within two weeks the second round is organised.

The last municipal elections were organised in November 2014. The turnout for municipal councils was 45.54%, whereas for mayoral posts 47.34% in the first round and 39.97% in the second one (PKW, 2015). It should be indicated that Polish municipalities are still among the least “party-affiliated” of all the European countries, thus also in 2014 elections independent (non-party) candidates for councillors took more than 70% of mandates. In the context of local elections, attention should be paid, however, to one more issue. Polish law does not allow *cumul des mandates*; thus both councillors and mayors cannot combine their mandates with being representatives in other local units. Moreover, it is also not possible to be elected as a councillor or a mayor and an MP at the same time.

Concerning the impact of the so-called new trends on the roles played by municipal councils, two issues are worth noting. On the one hand, with regard to NPM, the paradigm seems to still have a rather limited influence on the elected councils. The bodies have to work in a more managerial environment, be familiar with new legal and economic arrangements; nevertheless, in general the situation of municipal representation has not changed that much, and cannot be compared, for example, with tensions experienced by councillors in Nordic countries (Nyholm, Haveri 2009; Vabo, Aars 2013). On the other hand, the governance-like

mechanisms, especially citizens' more direct involvement in the decision-making process, are developing relatively fast. The trend is particularly visible in big, urban municipalities.

At present, Poles can take part in the decision-making process at the municipal level by using tools based on representative, direct, participative and deliberative democracy (Radzik-Maruszak 2015). The core of the first group forms local elections. However, beyond electing councillors and the mayor, citizens at the municipal level can also vote for representatives to district councils that create auxiliary units of towns and cities. The districts have their own, rather limited, tasks and competences (Swianiewicz 2014b). Additionally, inhabitants can be actively involved in the daily work of other councils that "surround" the main municipal council. According to the Polish law, only one of them – Public Benefit Council, which consists of representatives of both municipal authorities and NGOs located in municipality – has to be created. Nevertheless, in most of the municipalities also other councils are set up, i.e., one dealing with youth or seniors' issues, public space, cultural offer provided by the municipality, etc.

The second group of available instruments refers to direct democracy. Local referenda constitute the best example of these instruments. The Polish law provides a basis for two kinds of referenda – mandatory and optional one. The first is organised in a situation when municipal authorities (council, mayor) are to be recalled before their term of office expires. This kind of voting can be initiated by the residents and, in case of recalling the mayor, also by the council. However, in the latter situation, if the referendum fails, it gives rise to the early elections of the council itself. The solution is intended to prevent the organisation of referenda inspired by political tensions between the two powers. Additionally, in order to be valid, this kind of referendum requires a minimal turnout of more than two-thirds of the turnout at the last (previous) regular elections. The second one, the so-called optional referendum, refers to any other issue that is of importance to the municipality.

The third group of available mechanisms is based on participatory democracy. Among accessible instruments, social consultations have the leading role. Consultations can be organised in mandatory cases, e.g., in the course of creating a new local administrative unit, as part of spatial planning, but also in any other matter relevant to a particular local authority or to a particular group of citizens. Importantly, citizens can be consulted in various ways – during meetings, by surveys, on-line forums, etc. Furthermore, other concepts allowing for more direct interactions with citizens are developing intensively. In this context, participatory budgeting creates a prime example. PB is an institution that allows residents to allocate a certain amount of the city budget to the needs of their communities (districts they reside in) and by doing so they decide about their closest environment. In Poland PB has a voluntary character and, as an institution, it is developing intensively (Radzik-Maruszak, 2015). According to available data, 58 Polish municipalities applied the solution in 2015 (Budżetyobywatelskie.pl, 2016).

Finally, since the beginning of the new millennium, deliberative instruments have been more in vogue. Among available tools, special attention is paid to citizen juries and deliberative polls. Both intuitions were used, for example, in the city of Poznań (Radzik-Maruszak, 2015).

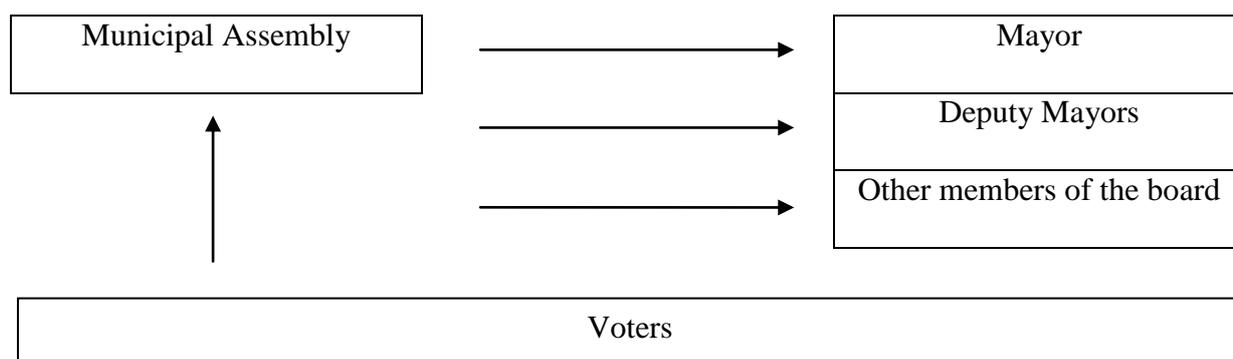
The Czech Republic

As in case of Poland, the institutional framework of local democracy adopted in the Czech Republic is the outcome of political, economic, and social reforms implemented after 1989, when the communist regime collapsed. Local government is understood by the Czechs as an expression of the right of the population living in a territory to manage independently the territorial affairs within the scope of rights defined in the constitution and other legal acts (Illner 2012: pp.510). For the administrative reasons, the territory of the country is divided into separate regions and the capital city of Prague, each having a regional status, its own districts and municipalities. According to the 2015 Statistical Yearbook of Czech Republic, there are 13 regions plus the City of Prague, 76 districts and 6 253 municipalities (Statistical Yearbook of the Czech Republic 2015). Such a distinctive fragmentation at the municipal level is the direct result of the history and the so-called “forced amalgamations” that took place in the 1960s and 1970s. Therefore, when independence was regained as a result of the Velvet Revolution (1989), the number of municipalities in the Czech Republic, or rather the then Czech part of Czechoslovakia, increased from 4100 in 1990 to 6258 in 2001 (Jüptner et al. 2014: pp.76). Since then the number of municipalities has slowly started to decrease. Nevertheless, with its 10.5 millions of inhabitants and 6 253 municipalities, the Czech Republic is still considered to be one of the most fragmented territorial self-governments within European countries. Moreover, as Jüptner indicates, one fourth of all municipalities is populated by fewer than 200 inhabitants, and more than one half of the overall number of these units is populated by fewer than 500 residents (Jüptner 2008: pp.24). Inhabited by only 17 residents in 2015, the municipality of Vysoka Lhota constitutes the most extreme example of this phenomenon. The small size of Czech local governments does not prevent them, however, from caring out many important competencies.

Municipal government in the Czech Republic is endowed with general competence. Accordingly, municipal authorities in principle have the right to manage all local affairs, even in the absence of specific legal regulations (Panara 2013: pp.380). In reality, it means that all municipalities are responsible for the development of social welfare, fulfilment of citizens’ needs, in particular, with regard to housing, protection, and improvement of health, transport and communication, education, culture, and protection of public order. Moreover, as Illner points out, municipalities have a crucial prerogative at their disposal, namely, the right to cooperate with other municipalities, to sign agreements related to cooperation between municipalities, and to enter into associations of municipalities, both within the country and outside it (Illner 2012: pp.511). Importantly, these independent powers are the same for all municipalities regardless of their size, with the exception of the capital city of Prague and 23 other statutory cities. The municipalities are, however, based on the category that depends again on their size, responsible also for the so-called “transferred powers”. The smallest, first

category municipalities hold none or just basic transferred responsibilities and execute them only within their own territorial administration. The second type of municipalities, i.e., ones with commissioned municipal offices, executes a number of transferred powers in surrounding areas. Finally, the municipalities of the third type have the so-called “extended power”, meaning they are responsible for a wider scope of transferred responsibilities, executing them in a much larger surrounding area. It is estimated that more than 90% of all municipalities belong to the first type, around 5% to the second one, while only 3% constitutes the third category (Illner 2012: pp.511; Jüptner 2012). Nevertheless, as Jüptner and Kruntorádová indicate, relatively broad powers of Czech municipalities stay in visible contrast with their limited financial autonomy. As around one half of the municipal revenue is drawn from taxes, both collected at the municipal level and shared with the state, small municipalities are often in trouble (Illner 2012: pp.514; Jüptner et al. 2014: pp.75; see also Kruntorádová 2012; Illner 2012: pp.522).

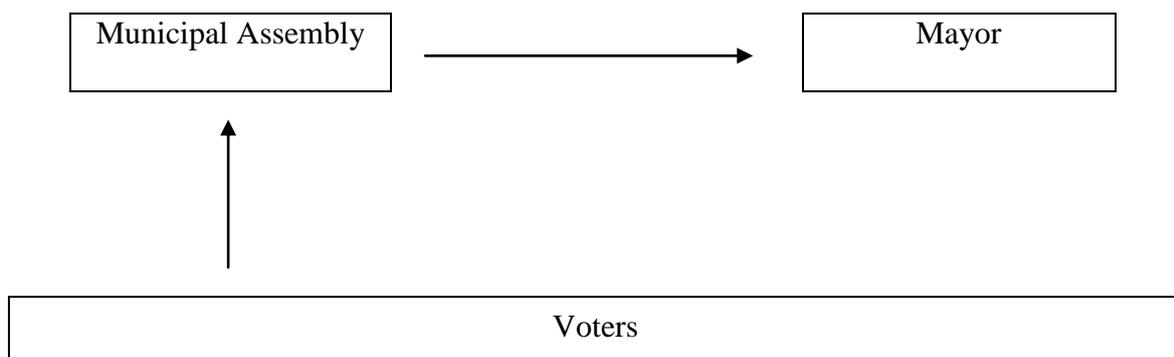
Scheme 2: Institutional framework of municipal government in the Czech Republic (larger municipalities)



The power in the municipalities is held by the council, board and the mayor (Scheme 2). Elected every four years, the council (*zastupitelstvo*) is defined by law as the highest decision-making body. Depending on the size of the municipality, it consists of from 5 up to 55 members (With the exception of the capital city of Prague which appoints 55-70 councillors). The councillors have joint mandates, meaning they can combine their function with seats in the regional council and the national parliament. The council meets at least once every three months and is responsible for the passing of local acts, approving of the municipal budget and financial accounts, as well as for the acceptance of municipal development programme. The body also decides on the establishment of monetary funds, contributory organisations and creation of municipal units. It has the power to delegate and recall municipal representatives to/from general meetings of companies in which municipality has an ownership interest. The council also establishes committees and appoints their members. Among all committees, only two, i.e., financial and audit ones, are set up compulsorily, however. Additionally, the council has significant powers in relation to the executive branch. It elects and recalls the mayor, deputy mayor and other members of the municipal board. The mayor (*primátor*) represents the municipality in external relations, convenes and chairs sessions of the council, decides on

matters of independent responsibility entrusted to him/her by the council as well as fulfills other duties. On the one hand, she/he formally holds a rather weak power (Moreover, the Czech Republic is also one of the few Central Eastern European countries where the mayor is not elected in a direct way). On the other hand, due to good access to information, full-time employment and the weak organisation of political parties at the local level, the mayor is considered to be a key figure in the municipality (Jüptner et al. 2014: pp.83). The board (*rada*) consists of from 5 up to 11 members and is responsible for the execution of tasks within the independent authority of the municipality, and if entrusted by law, also for transferred powers. It should be noted nevertheless that when the council has fewer than 15 members, the board is not elected and its tasks are performed by the mayor, and partially also by the council (Scheme 3); (Illner 2012:512). Unlike the sessions of the council, the board's meetings are closed and do not allow participation of the audience.

Scheme 3: Institutional framework of municipal government in the Czech Republic (smaller municipalities)



The municipal council is elected for the period of four years in universal, direct, equal elections by secret ballot. The proportional representation rule with a 5% electoral threshold operates. Mandates are distributed using the D'Hondt method. Political parties, political movements and their coalitions can register the candidates for the councillors. However, also independent citizens and associations of political parties, political movements, and independent residents have the right to nominate their candidates. With the exception of the smallest municipalities, the maximum number of candidates is identical to the number of council members. Although an individual has a right to stand for elections, the voting system favours candidate lists, as within them the votes accumulate. Therefore, in spite of the fact of the low number of actual members, political parties try to nominate as many candidates as it is possible. The voting system includes also such an instrument as panachage that allows voters to distribute their preferences between candidates from different party lists. Still, as for the vertical shifts a quorum of panachage votes is required, the panachage is deformed and mandates go rather to political parties than individual candidates (Jüptner et al. 2014: pp.81). As far as local elections are concerned, two more phenomena, especially important in the context of municipal councils' roles, should be noted. Firstly, taking into account all formal

and legal factors, one may get impression that political parties play a significant role at the municipal level; however, their actual presence depends on the size of each local unit. While in bigger municipalities the councils are multi-parties bodies, this rule does not apply in medium and small-sized units where the level of partisanship is very low (Jüptner 2001: pp.148-151). In the 2014 local elections, independent candidates got 86.52% of all mandates, leaving far behind party nominees (Volby.cz, 2016). Secondly, as Rásavý and Bernard indicate in their research, in these small municipalities the size of political competition is not high enough as well (Rásavý & Bernard 2013: pp.846). In practice, it means that in each election dozens of Czech municipalities do not manage to obtain at least five or seven of the necessary candidates. Therefore, in these units voters do not have a real choice due to the fact the number of candidates is lower or equal to the number of elected councillors (*ibid.*) Lastly, although municipal elections are still considered to serve as a basic form of involvement into local affairs, the citizens' interest is rather moderate. In the 2014 voting the turnout was 44.43%. In this context, it should, however, be pointed out that electoral participation is negatively correlated with the size of the municipalities; the bigger the municipality is, the lower turnout is observed (Čmejrek 2007: pp.24; Illner 2012: pp.516).

When analysing factors shaping the roles performed by Czech municipal councils connected with so called “new trends”, it seems that the impact of management reforms is limited, whereas factors associated with civic participation play a fairly more significant role (Fanta, Šumpíková Fantová, Ochrana 2008). Apart from the above-mentioned local elections, citizens have a right to be present at sessions of municipal councils and can be members of its committees. Municipal authorities are also obliged to inform residents about undertaken and planned actions and activities. More and more often, municipal governments are also organising surveys of inhabitants' opinion on relevant local issues, on their satisfaction with using municipal administration and preferences (Illner 2012: pp.517-519). Additionally, citizens can be directly involved in the decision-making process by inciting and taking part in municipal referenda. The request must be supported, depending on the size of the municipality by 6%-30% of its inhabitants. In practice, local referenda are organised quite seldom and are mainly connected with environmental issues, infrastructure or division of municipalities (Smith 2011).

5 Discussion: Changing Roles of Municipal Councils in Poland and in the Czech Republic

There are undoubtedly many similarities between Polish and Czech local governments. Both systems share common past and the notion of local government, perceived primarily as a space where local identity and values are shaped and expressed, and less prominently as an area where local services are delivered. Many similarities are also present in municipal councils.

In the context of the paper, especially important is the fact that both in Poland and in the Czech Republic councils are formally recognized as key municipal bodies. They are

responsible not only for representing residents' will and businesses but also for decision-making, setting up priorities and strategies. Furthermore, in Poland, not unlike the Czech Republic, councils play a role of an official link between citizens and local officials. In both countries, councils also have a right and privilege to shape the institutional framework of the municipality. Finally, probably as a result of their common past, both in Poland and in the Czech Republic councils have a rather limited political role, as most of the councillors do not have party affiliation. Therefore, it can be said that in both countries councils play formally representative, decision-making and administrative roles, whereas their political role is limited, and truly visible only in big, urban municipalities.

Presented in the preceding paragraphs of the present article, the analysis of the institutional environment that Polish and Czech municipal councils operate in, can contribute to making broader observations and to drawing deeper conclusions. Firstly, it seems that in both countries the basic roles of municipal councils – representative, decision-making and administrative ones – are being diminished. In case of Poland, two main factors influence the situation. On the one hand, the 2002 introduction of the direct mayoral election reduced the council's role and say in the governing process, and thus its ability to defend citizens' interests and to make decisions. The reform had also impact on the administrative role played by the council. At present, the body has limited competences in determining priorities for the municipal government and holding the executive power into account. Moreover, the council's actual role was influenced by the abolition of *cumul de mandates* rule and the reduction of the number of councillors. On the other hand, Poland constitutes also an example of the country where the number of institutions allowing citizens more direct involvement in the decision-making process has been recently significantly increased. Thus a kind of shift from representative democracy towards participative and deliberative one can be observed. The trend is particularly visible in large, urban municipalities. Regarding the Czech Republic, it seems that although the formal role of the council is still strong, the range of its actual power is weakening as well. However, in contrast to Poland, the problem is not equally evident, and primarily can be noticed in small municipalities. Firstly, as indicated in previous sections, many Czech municipalities have to cope with limited resources. As a consequence, the council has restricted ability to accomplish residents' needs and to solve their problems. Secondly, as Rásavý and Bernard indicate, the size of political competition in smallest municipalities is not high enough so as to positively influence the "quality" of representation (Rásavý & Bernard 2013). Additionally, the developing role of the mayor in the governing process should not be neglected. Although the mayor formally holds a rather limited power, in reality – on account of full-time employment, board access to information and weakness of political parties – she/he plays a key role at the municipal level. Increasingly, the current discourse over the future of Czech local government abounds in the voices in favour of the introduction of direct mayoral elections.

One of the recent proposals implies not only directly elected mayors but also the abolition of the municipal board and the transfer of its powers to the mayor. Interestingly, the solution

assumes that the latter one will still chair the council meetings. The mayor could also appoint his deputy from the ranks of councillors without approval of the council (Jüptner, Valušová, Kruntorádová 2015: pp.284). Importantly, the proposal has support of key national politicians, i.e., President Miloš Zeman who is in favour of further introduction of more elements of direct democracy into the political system (Radio Praha, 2015). If the rule is implemented, it will significantly affect the way municipalities are governed, the relationship between powers and the role they play.

Secondly, in spite of similarities that occur between legislative powers in Poland and the Czech Republic, it seems that the roles played by municipal councils have potential for divergent development in the future. This dissimilarity is mainly the outcome of the slightly different institutional framework the Polish and Czech councils operate in. Therefore, in case of Poland, due to the growing role of the mayoral institution, on the one hand, and increasing citizens' involvement in the decision-making process, on the other, municipal councils are forced to act nowadays rather as facilitators of the governing process or co-partners in local governance. Additionally, as Gędźwił and Żółtak indicate, the non-partisanship in Poland is in gradual retreat (Gędźwił, Żółtak 2012). Consequently, in next years the higher number of party-affiliated councillors is likely to be observed, which will contribute to the strengthening of the political role of the council. In regard to the Czech Republic, the necessity of cooperation of municipalities, especially the smallest ones, is of upper importance. Therefore, councils have a potential for acting as network leaders. Still, most importantly, in both countries the change must be accepted and supported by the councils themselves.

6 Conclusions

The changes and reforms that have been introduced to European local governments in recent years are not favourable to representative democracy. On the one hand, the general decline in interest towards local democracy can be observed. The citizens are increasingly demanding, but also at the same time less and less interested in traditional voting. On the other hand, the shift from government to governance and visible reinforcement of leadership brought new challenges. Therefore, councillors at present have to deal with stronger executive power and more direct ways of citizens' involvement into local politics. In many cases, all the processes combined lead to the necessity of redefinition of the councils' roles.

The afore-described trends are visible also to a greater or lesser extent in CEE countries. In Poland, the introduction of directly elected mayor has had a particular impact on the councils' roles, while the citizens' increasing interest in participative democracy has also affected the institution of the council. As a result, municipal councils feel both internal and external pressure to develop their roles. In comparison, in the Czech Republic the decisive factors include a relatively small size of municipalities and their limited financial autonomy. Thus, at present the pressure comes mainly from external environment; nevertheless, the situation can be changed by the introduction of directly elected mayors.

In conclusion, it can be said that municipal councils in both countries will be more and more often forced to reconcile their roles in governing process with presence and action of other bodies, partners and stakeholders. Undoubtedly, this issue requires more in-depth empirical research and ought to be the subject of further scholarly investigation.

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Vloge občinskih svetov na Poljskem in Češkem: Faktorji oblikovanja vlog in dinamika sprememb

Povzetek:

Raziskovalno vprašanje (RV): Po mnogih letih obstranskosti je vprašanje reprezentativne demokracije na lokalnem nivoju ponovno pristalo v središču pozornosti raziskovalcev, predvsem po zaslugi upadanja udeležbe na lokalnih volitvah, razočaranjem nad strankarsko politiko in na drugi strani zaradi naraščajočega vpliva izvršilne oblasti in bolj neposrednega vključevanja občanov v odločevalske procese. Omenjene vsebine silijo občinske svete v redefiniranje njihovih vlog.

Namen: Glavni namen članka je proučiti faktorje, kateri oblikujejo vlogo občinskih svetov na Poljskem in Češkem ter opredeliti možne dinamike sprememb.

Metoda: Analiza je osnovana pretežno na institucionalni teoriji. Študija je izvedena na podlagi dostopnih statističnih podatkov, analize pravnih virov, drugih dokumentov in informacij, vključenih v izbrana znanstvena dela.

Rezultati: Rezultati raziskave kažejo, da je vloga občinskih svetov v obeh državah reprezentativna, odločevalska in upravna. V celoti gledano pa se vloge občinskih svetov krčijo. Obstoječi institucionalni okvir, kot tudi reforme v zadnjih letih pa spodbujajo nove vloge občinskih svetov, kot je na primer pospeševanje oblastnih procesov ali upravljanje omrežij.

Organizacija: Študija ima lahko pozitiven vpliv na spremembe organizacije upravnega delovanja na lokalnem nivoju.

Družba: Študija prispeva k razumevanju lokalne demokracije.

Originalnost: Prispevek ima dodano vrednost pri razpravi o lokalni demokraciji na Češem in Poljskem, kjer je tozadevna razprava šibkeje razvita, kot v zahodnih državah.

Omejitve/nadaljnje raziskovanje: Članek predstavlja predvsem teoretični uvod v nadaljnje empirično raziskovanje spreminjajoče se vloge občinskih svetov v Srednji in Vzhodni Evropi.

Ključne besede: občinski sveti, Poljska, Češka, vloga, lokalna demokracija, vladanje.