

Commission on Local Democracy

Report by Kenneth Lawrie, Chief Executive

1 Purpose of Report

The aim of this report is to ask Members to consider and approve the attached response to the Commission on Local Democracy.

2 Background

- 2.1** An independent commission has been set up to look at what democracy in Scotland might look like, whatever the result of the referendum in 2014. The Commission is chaired by Councillor David O'Neill, President of the Convention of Scottish Local Authorities. The overall purpose of the Commission is to:

"Identify a route map to deliver the full benefits of a shift in power towards local democracy for people in Scotland"

It will work to address three objectives:

- 1) Investigate a local approach to services and accountability that will improve outcomes in Scotland's communities
- 2) Consider the current landscape of democracy in Scotland and how this could be strengthened and enriched to benefit local people most
- 3) Make recommendations that set a course for putting stronger local democracy at the heart of Scotland's constitutional future

- 2.2** The Commission states that its starting point is a belief that local services and local accountability matter. The Commission is seeking views and suggestions about what happens in local democracy now, and what the future of this might be. A questionnaire has been sent out to a wide ranging set of agencies, including all councils, and published on a website.

- 2.3** The proposed response is attached (appendix 1)

3 Report Implications

3.1 Resource

There are no direct resource implications.

3.2 Risk

Failure to respond could imply lack of interest in or commitment to local democracy with consequential reputational damage.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- X None of the above

3.4 Impact on Performance and Outcomes

Whilst the proposed response has no direct impact on these issues, local democratic arrangements do provide the framework in which service performance and outcomes for communities are taken forward.

3.5 Adopting a Preventative Approach

This initial response sets out examples of the strategy adopted by the council to engage with its communities to strengthen public understanding of local government services, co- produce solutions to local issues and re align the balance between citizen's and public services in the face of significant reductions in public sector finance.

3.6 Involving Communities and Other Stakeholders

The draft response had been approved by the corporate management team, but has not been subject to wider consultation.

3.7 Ensuring Equalities

The delivery of local public services through democratically accountable bodies includes statutory duties in respect of equality for ten protected characteristics groups. Midlothian Council has committed to inclusion of those affected by poverty (as intended in the initial Equality Act but removed by the UK government after the last election), demonstrating the ability of local democracy to make locally independent choices within a wider framework.

3.8 Supporting Sustainable Development

Local democracy has a key role in ensuring local development planning takes account of the need to create and support sustainable communities.

3.9 IT Issues

There are no IT issues.

4 Recommendations

Council is requested to consider and approve the attached response.

9 December 2013

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Background Papers:



COMMISSION ON STRENGTHENING LOCAL DEMOCRACY

Local People. Local Power. Local Purpose.

WE've GOT SOME questions...

HELP US UNDERSTAND what STRONG LOCAL DEMOCRACY means TO YOU

We are an independent Commission that has been set up to look at what democracy in Scotland might look like, whatever the result of the referendum in 2014. **The Commission is chaired by Councillor David O'Neill, President of the Convention of Scottish Local Authorities, and we have set out its main tasks at the end of this document.**

Our starting point is that we believe that local services and local accountability matter. That is why we want to begin our work by hearing your views and suggestions about what happens now, and what the future might be.

This is only our first step in listening to you. Any information that you give us now will help start the debate, but we also want this to be an ongoing conversation. Over the next few months we will be setting up different ways in which you can meet us or tell us what you think. A good way to find out about these is by signing up to our newsletter at www.localdemocracy.info and by following @localcommission on Twitter.

How to Respond

We will use the information that you give us to develop our work and explore new ideas, and so what you tell us now is really important. For that reason, we want to hear from you as quickly as possible. We are keen to hear your views by 20 December 2013 or sooner if you can. However, please let us know if you need more time.

You can complete and return this form electronically to:
commission@localdemocracy.info

You can also respond online via our website:
<http://www.localdemocracy.info/call-for-evidence/>

Alternatively you can post a copy of this form to:
The Commission on Strengthening Local Democracy
Verity House
19 Haymarket Yards
Edinburgh
EH12 5BH

If you are responding as an individual we would be grateful if you could also provide some [other information](#) when you give us your views. This will help us develop an overall picture of the

information we have. This is optional and any information that you provide will be used anonymously and will remain strictly confidential.

If you have any queries please contact us using the above details or call us on 0131 474 9200.

Respondent Information

To help us make the most of your response, please tell us about yourself and how you want us to use the information you provide. There are some questions marked * and these must be answered by all respondents, unless you are directed past this question.

Name of Organisation (if appropriate)	Midlothian Council		
Forename	Alasdair		
Surname	Mathers		
Address	Midlothian Council , Fairfield House , 8 Lothian Road Dalkeith , Midlothian		
Postcode	EH22 3AA		
Telephone	0131 271 3438		
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Twitter name if applicable			
<p>* I am responding as:</p> <p><input type="checkbox"/> An individual</p> <p><input checked="" type="checkbox"/> An organisation/group</p>			
<p>Do you consider yourself or your organisation as from or representing?</p> <p> <input type="checkbox"/> a rural area <input type="checkbox"/> an urban area <input checked="" type="checkbox"/> an area with both urban and rural parts <input type="checkbox"/> don't know / not applicable </p>			
<p>Would you be happy to be approached by the Commission for further discussion about your submission?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>			
<p>If you are responding as an individual:</p>			
<p>* Do you agree to your response being made available to the public on the Commission's web site?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>			
<p>* If you have agreed to your response being made available to the public, please tell us if we may also make your name and address available. (Please select one option only)</p> <p><input type="checkbox"/> Yes, make my response, name and address all available</p> <p><input checked="" type="checkbox"/> Yes, make my response available, but not my name and address</p> <p><input type="checkbox"/> Yes, make my response and name available, but not my address</p>			
<p><i>If you are responding as an individual we would be grateful if you could also provide some additional information. This is absolutely optional but it will help us get an overall picture of the information we receive. You can download this sheet here and send it to us at the same time as you return this form.</i></p>			

If you are responding as a group or organisation:

* The name and address of your organisation will be made public on the Commission's web site. Are you content for your response to also be made available? ☒ Yes ☐ No

Which of the following best describes your organisation? (Please select one option only)

- | | |
|---|--|
| <input type="checkbox"/> Community Group | <input type="checkbox"/> A business |
| <input checked="" type="checkbox"/> Local Authority | <input type="checkbox"/> A government department or agency |
| <input type="checkbox"/> Other public sector organisation | <input type="checkbox"/> A social enterprise |
| <input type="checkbox"/> Third Sector organisation | <input type="checkbox"/> Other (please specify) |
| <input type="checkbox"/> Professional body | |

Short description of the main purpose of your organisation:

Delivery, commissioning and coordination through community planning of local public services for the people of Midlothian.

We have not provided a long list of questions to answer, but we do want to hear what you have to say about some themes. Please respond to as few or as many as you wish. However, it would be helpful to keep your overall response to eight pages or less.

Please provide evidence or examples in support of what you say. This will help us understand and explore your ideas further.

1. LOCAL DECISION MAKING: Do you think that decisions about local issues and services are made locally enough in Scotland at the moment? If not, what does deciding 'locally' mean to you? Please illustrate your answer with any examples from your own experience.

Midlothian Council is the second smallest council in mainland Scotland, and as such operates at a scale already recognisable by its residents as representing a wider community they identify with, as its boundary has remained unchanged since the 1975 district council was established. Within the scale of Midlothian there are very strong community identities in each of the villages and small towns that make up the county, many of which have local traditions and cultural identities linked to the history of the Esk river as an industrial powerhouse and to mining, now no longer present but leaving a legacy. People do not have a single identity however and can and do recognise themselves as local residents of their own street, neighbourhood, town, residents of Midlothian, citizens of Scotland and UK, and of Europe with some taking the view that they are global citizens sharing a common humanity.

Locality working

The council has worked hard to establish a way of working with its partners in community planning that operates at the level at which the most practical experience of quality of life can be affected both with and for its residents. It has chosen to work on this approach - "neighbourhood planning"- with natural communities as defined by the 16 community councils set up in 1975. Whilst there are currently significant changes in the area resulting from very large scale housing developments agreed between councils in the south east Scotland regional development plan, these natural communities are still locally recognisable to most residents as "Where they live".

Under this neighbourhood planning model the council and its partners have engaged with each community using a variety of public engagement tools starting by presenting people with a statistical picture of the community, the listening to the lived experience of residents and their response to the data, formulating questions for further investigation with activists from local bodies such as the community councils, voluntary and community groups. These questions are developed by a shared multi agency and community representative steering group and taken out into the community for views to be gathered.

The results, having been re- presented back through local media and existing community organisations are used to create a locally measurable action plan with specific practical commitments shared between public sector partners and the community itself- this is the start of developing a fully co- productive approach. The types of actions sought in the first three years of this work (a five year cycle of work has been committed to and the partners are currently in year four), have been in the main very particular and dealing with day to day issues that affect residents. Improvements to bus timetabling, GP appointment systems, car parking and signage, street lighting and road repairs, cleansing, park maintenance, access to countryside, responding to anti social behaviour, speed of repairs and improvements to play equipment/road surfaces and housing, sustaining local shopping have all featured. These issues have for many years in our council's experience reflected the day to day concerns of residents about how "good" their place is to live in. The results of this work illustrate some of the benefits of working at the level of recognisable communities, but there is clearly potential to extend the scope and effectiveness of this approach.

2. LOCAL ACCOUNTABILITY: How important do you think it is for locally elected people to be responsible for decisions about local issues and services? Do you have any examples of why this is the case?

It is important for locally elected people to be responsible for decisions about local issues and services. Examples of where local decision making is important include : –

The current reductions in budget require local realignment of buildings used by the public. Experience here in Midlothian is that local sensitivities to closures and re- alignments can only be addressed adequately by locally elected members.

Decisions about school catchment areas are best made locally, as it is at this level that the socio- economic conditions of parental households and the local geographies of access are best understood. Similarly decisions about local planning permission, local open space, local public transport routes, and the management of winter weather responses are all best managed locally, as these issues require detailed understanding of local geographies and connectivity.

More broadly, the achievements of Midlothian in economic development terms following the closure of the coal industry were driven by local councillors focused on their communities directly expressed needs. The result is that Midlothian has emerged as a post mining community with a new technology hub of animal and life sciences and a wide range of indigenous small business on former brownfield sites. This was achieved through locally driven partnership with British Coal Enterprise, Scottish Enterprise Edinburgh and Lothian and EU funding without assisted areas status.

The understanding of local business locations and emerging opportunities was fundamental to the Council's success in competing for European funding to remove industrial landscape damage, create business estates, and improve local access to supplies and services to foster economic regeneration.

Issues such as the quality of schools are fundamentally local to the communities they serve as well as national in significance to economic growth and prosperity. Local leadership and knowledge promotes links to the local labour market.

Children services, voluntary sector /community organisation specialists and community health partnerships supporting the child in a joined up manner is reliant on effective joint working with school staff. The role of the local council in coordinating these matters under community planning is essential.

Examples of national pilot and roll out methods employed by agencies such as the Department for Work and Pensions all return eventually to requirements for a local provider supply chain linking to local labour market demand.

Overall the principle that decision making about local resources should be made by people directly accountable to the residents of the locality affected is well established across the democratic states of the world.

3. LOCAL PRIORITIES: How well do you think that communities' local priorities are accounted for in the way that national and local government works at the moment? What is effective, and if there is room for improvement, how should things change?

The work of councils under the Community planning legislation is not just to provide the statutory services, for which they are directly responsible, but also to facilitate and coordinate community planning of public services with and for communities to which they are directly accountable. The current national priorities are wide enough to allow sufficient locally responsive interpretations.

The danger of community planning when perceived only as joint public service planning mechanism is that there is inadequate engagement with the views of local residents, which are often contradictory and complex.

In community planning practice, national agencies can sometimes struggle to comply with both national strategy direction and being locally responsive. Often they may have very limited staff numbers, or may not be aligned to local community planning geographies. Realignment of expectations on national agencies as planned in the community empowerment and renewal bill will assist in defining the requirement to support community planning.

4. STRENGTHENING DEMOCRACY: What do you think should be done to strengthen local democratic decision making in Scotland? Do you have any ideas or examples about how this could improve people's lives?

A wide range of options could be pursued to enhance local democracy, for example;

- Lowering the voting age to 16, aligning this with the age at which people can begin to pay tax, enter armed forces or marry. This will help clarify the age at which young people become fully responsible citizens, a concept that has been debatable in differing legislation and public service delivery systems.
- Engaging pupils and adult learners in community agencies/community Learning services and further / higher education in learning the aims and purpose of democracy, especially giving attention to how and where services are held democratically accountable, how their voice can be heard individually or collectively, and their own responsibilities as citizens.
- Strengthening the role and powers of community councils, but only if linked to providing resources for training and support in engagement (using the 10 national standards for community engagement) managing their own meetings, working within clear codes of conduct and working more clearly and openly to fully represent their communities.
- Providing support to councillors and boards appointed by Scottish Government around the concepts of participatory democracy, working with pressure and lobby groups, community engagement, and customer responsive service delivery.

Since the 1996 re-organisation of local government, the Midlothian area has seen a significant strengthening of the role of third sector partners, whose ability to use core council funding to attract external resources both enables a wider range of services than the council can afford, and strengthens local people's mutual support and sense of community values. Strengthening the partnership between CPPs and the local third sector could enable a better understanding of democratic processes, including the role of community groups in co- production, but also acting as legitimate pressure groups. The challenge is to ensure such groups are themselves open, democratic and accountable to those who they serve.

5. SCOTLAND'S FUTURE: Has there been enough discussion about local democracy in the debate about Scotland's future? If not, what should be addressed and how might this be achieved?

This has been limited in the debate about Scotland's future so far, which has concentrated on the issue of independence, and the issues of future relationships with international bodies such as the EU, NATO, and UN, and with the remaining parts of the United Kingdom.

The principle of subsidiarity - that all decisions should be taken as close to those affected as possible needs further exploration. The balance of funding between national and local taxation, and therefore the balance of accountability also requires more attention. The way in which boards/non departmental public bodies and national voluntary sector agencies current directly or indirectly accountable at the national level are able to be held accountable locally also requires further attention.

6. OBSTACLES AND CHALLENGES: Do you have any concerns about strengthening local democratic decision making in Scotland?

There are significant obstacles to change – lack of and continuing significant decline in public sector resources, resistance to change processes both internal and external; public apathy and a degree of cynicism about the political process; ownership, control and power issues between agencies.

Lack of, or negative media presentation of local public service issues and the centrality of these to everyday quality of life remains a barrier to trust in local democratic processes and local public services.

The tendency of the media to stereotype and over simplify issues creates longstanding misconceptions in popular culture about the work of public services and local elected members. Alongside this some forms of media coverage disable reasoned public engagement and debate on topics of real local concern such as child protection, drug and alcohol policy, immigration (in its effect on local services), criminal justice, welfare reform. Worse still, regularly aspects of what is presented lack basic factual accuracy.

The community planning process, if delivered as intended, aims to re- invigorate local democracy by linking planned use of shared public sector resources to a dialogue with local elected members and the people of local communities themselves. For it to progress, the obstacles referred to previously in respect of national bodies have to be addressed.

7. We would like to keep the conversation going with you. Can you tell us about any events, networks or other ways in which we could help achieve this? Is there anything that we can do to support you?

Remain engaged with, and publicise your work locally in each community planning partnership, and through them engage with local youth forums, the local federations of community councils, councils of churches, and councils of voluntary service (rather than national bodies such as SCVO).

Thank you for your submission. If you have any queries about the Call for Evidence please contact us at:

Commission on Strengthening Local Democracy

Verity House

19 Haymarket Yards

Edinburgh EH12 5BH

0131 474 9200

email: commission@localdemocracy.info

twitter: [@localcommission](https://twitter.com/localcommission)

Commission on Strengthening Local Democracy Terms of Reference

Context

Scottish local government has adopted a vision that focuses on improving local democracy as the route to better outcomes, and is putting this at the heart of all of its work. The COSLA Convention has agreed to establish Scotland's first Commission on Strengthening Local Democracy to pursue that vision. It will bring people together with a common resolve to consider how local democracy and accountability in Scotland might be improved and empowered, and provide advice on what is needed for that to happen.

Remit

The overall purpose of the Commission is to:

"Identify a route map to deliver the full benefits of a shift in power towards local democracy for people in Scotland"

It will work to address three objectives:

- 4) Investigate a local approach to services and accountability that will improve outcomes in Scotland's communities
- 5) Consider the current landscape of democracy in Scotland and how this could be strengthened and enriched to benefit local people most
- 6) Make recommendations that set a course for putting stronger local democracy at the heart of Scotland's constitutional future

Outputs

The Commission will carry out its remit in two phases.

Phase 1: Why local democracy is important and what it can achieve

Key output: A clear statement of the benefit to communities of local delivery and democracy

Key questions to consider:

- Why should we do things locally in Scotland, and what benefit does this deliver?
- What can Scotland learn from other countries about their approach to local democracy?
- What do people in Scotland have to say about local democracy?
- What would better protected, empowered and supported local democracy look like in Scotland?

Phase 2: A route map to delivering stronger local democracy in Scotland

Key output: An assessment of the key building blocks for change

Key questions to consider:

- What are the building blocks we should focus on as part of Scotland's constitutional future?
- Who needs to take action to deliver positive change after the Referendum and what should they do?

Reporting

The Commission is expected to make interim reports throughout these phases and deliver a report to the COSLA Convention in Spring 2014. It is expected that the conclusions will include:

- **setting out why local approaches should be pursued and the benefits they derive**
- **identifying the long term characteristics that should underpin better local democracy**
- **establishing the building blocks or barriers to address, including:**
 - i. **improving the constitutional / statutory position of Scottish local government**
 - ii. **a funding process that improves democratic control and accountability locally**
 - iii. **ways of ensuring that there is a joint approach to policy making in Scotland**

Guiding Principles

It is expected that all members of the Commission will be:

- Ambitious: take a long term view and not be restricted by the current landscape of democracy in Scotland
- Open: enable all views to be heard through evidence gathering and interaction, public reporting, and political debate
- Inclusive: reflect a broad range of interests and views from across communities, local and national government, and wider civic Scotland
- Questioning: provide a forum for debate but with a common purpose of improving local democracy and accountability in Scotland
- Practical: positively respond to challenges and shape action in pursuit of local government's vision for stronger local democracy
- Evidence based: support their findings, including by looking at relevant evidence from home and abroad and commissioning research where appropriate

Access in other formats and community languages

This document is available, on request, in easy to read, audio and large print formats, and in community languages. Please contact:

Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie lub w wersji z powiększonym drukiem, prosimy o kontakt:

اس دستاویز کی مزید کاپیاں آڈیو کیسٹ پر اور بڑے حروف کی چھپائی میں اور کیوٹی کی زبانوں میں طلب کیے جانے پر دستیاب ہیں، براۓ مہربانی اس پتہ پر رابطہ کریں:

এই ডকুমেন্ট-এর (দলিল) অভিন্নতা কপি, অডিও এবং বড় ছাপার অনুর আকারে এবং সম্ভাব্যভাবে ভাষায় অনুবাদে পাওয়া যাবে, অনুগ্রহ করে যোগাযোগ করুন:

Gheibhear lethbhreacan a bharrachd ann an cruth ris an eistear, ann an clò mòr agus ann an cànan coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागज़ात की और प्रतियाँ, माँगे जाने पर, ऑडियो टेप पर और बड़े अक्षरों में तथा कम्युनिटी भाषाओं में मिल सकती हैं, कृपया संपर्क करें:

ਇਸ ਦਸਤਾਵੇਜ਼/ਕਾਗਜ਼ਾਤ ਦੀਆਂ ਹੋਰ ਕਾਪੀਆਂ, ਮੰਗੇ ਜਾਣ 'ਤੇ, ਆਡੀਓ ਟੇਪ ਉੱਪਰ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਕੌਮਿਊਨਿਟੀ ਭਾਸ਼ਾਵਾਂ ਦੇ ਵਿਚ ਮਿਲ ਸਕਦੀਆਂ ਹਨ, ਕ੍ਰਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

此文件有更多備份，如果需要，語音版本和大字體版本及少數種族語言版本也可提供，請聯絡：

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط المكبر ونسخ بلغات أخرى، يرجى الإتصال على:

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