

The Highland Council

12th March 2015

Agenda Item	24
Report No	HC/13/15

Review of Area Committees

Report by Head of Policy and Reform

Summary

This report describes the drivers for change affecting a review of Area Committees. It proposes that members locally identify options to improve local decision-making and accountability for public services that would also enable greater participation of Highland residents in decisions affecting them.

1. Background

1.1 The Council has a commitment in its programme to review the local area committee structure established. This report sets out the context for the review and proposes how a review could be taken forward over the period 2015-17.

2. Scope of the review

2.1 Earlier terms for the review

When five area committees were agreed in 2013, members also agreed that a future review should involve:

1. Testing the geographical make-up of the three Area Committees (post pilot) based on four meetings a year (Council June 2013);
2. Bringing forward proposals for a way forward for Ward Business Meetings and Ward Forums in support of Area Committees and the new Community Planning arrangements, following a wider consultation with Community Councils and key stakeholders in the autumn (Council June 2013).
3. Assessing the extent to which business had been transferred from Strategic to Area Committees (Council October 2013)

2.2 In addition a question was asked at the last Council meeting on the costs associated with Area Committees. Costs of £51,141 were identified, excluding travel costs for some staff and members. It was agreed then that a report on the review of Area committees would be brought to this meeting of the Council.

2.3 Clearly areas for enquiry related to the geographies covered by some Area Committees, their fit with community and partner engagement, the extent of decentralisation and value for money considerations.

2.4 Recent developments

District Partnerships were created in 2011¹, as part of the lead agency model for integrating health and social care services. Legislation is now in place requiring locality planning for all for all Scottish health and care partnerships (The Public Bodies (Joint Working) (Scotland) Act).

2.5 Within the Highland Community Planning Partnership there have been discussions about how District Partnerships may extend to include other areas of partnership business. Health inequalities, community safety and community learning and development are all currently under consideration. However, this is leading to duplication with items on Area Committee agendas and inefficiencies in partnership reporting and officer time. Any review of Area Committees needs to be mindful of not only ward forums and business meetings but also other local community planning forums and District Partnerships in terms of business covered and the resources involved.

2.6 In October 2014 members considered the publication from the Commission on Strengthening Local Democracy, [Effective Democracy: Reconnecting with Communities](#)¹. Members are aware that the Commission's findings are stark and the recommendations are radical. The ambition of the Commission requires us to fundamentally re-think what we mean by democracy, what kind of citizens we want to be and what kind of community associations and public institutions we need to support it. At the Council meeting members were supportive of the seven principles developed by the Commission, namely: sovereignty; subsidiarity; transparency; participation; spheres not tiers of governance; interdependency; and wellbeing. They sought further deliberation across the groups with leaders meeting initially to begin that process.

2.7 Since then in December 2014 and in January 2015 group leaders met to consider how the Commission's work may be taken forward in Highland. David O' Neil, the Chair of the Commission has been invited to meet leaders on 10th March to share views and to find out how the Commission's work is developing nationally (19 of the 25 recommendations require dialogue with national Government). A verbal up-date of that meeting can be provided to the Council.

2.8 Members' deliberation on the Commission's report so far has supported the Commission's general findings that:

- The large geographic scale of local government in Scotland, the reduction in services run by it over time and its limited scope to raise local taxation have led to a disconnect from communities;
- Our current local democratic arrangements have not solved our social problems as our inequalities gap has grown;
- There is little room for local creativity and involvement of people locally

¹ The Health and Care District Partnerships bring local partners together to consider the delivery of health, social care and community safety issues in each District. Taking account of other local District Partnerships, the District Partnerships may also provide the District Partnership for the consideration of other local community planning matters.

in service design or provision accompanied by the view that efficiency means centralising or scaling everything up;

- Nationally we have regarded democracy being about the institutions of government rather than democratic power being with people and that we have focused on citizens only as consumers of public services and not part of our democracy.
- Our systems have made it hard for people to take part in their democracy, feeling remote from where decisions are made and even harder for some communities of place and of interest to take part.

2.9 Feedback from our Citizens' Panel in 2014 adds weight to the Commission's evidence, with:

- Only 18% of Highland residents feel they have some or a great deal of influence over decision-making in their local area (43% said they had not very much influence and 38.5% said they felt they had no influence at all);
- Only 20% of Highland adults feel we involve them in how we spend money;
- 69% said they wanted to be involved in decisions affecting their area (at 89% for 16-24 year olds);
- More people agreed than disagreed that:
 - Every citizen should get involved in politics if democracy is to work;
 - They enjoyed working with other people on common problems in their community
 - The Council is helpful and listens to local people.

2.10 The Commission's four focal points for reform and remodelling are:

1. Democracy from the community up, not top down – built around subsidiarity and empowerment and clarity in the different 'spheres of Government' each with clarity on their democratic mandate.
2. Community accountability for all locally delivered services.
3. Variation instead of one size fits all – different contexts need different responses.
4. Decision making at the right scale.

2.11 Leaders also agreed with the Commission's findings and intentions that:

1. They should be seen as the start of the process, recognising that a process of localism will take 10 to 15 years.
2. New approaches, or local democratic experiments should be tested, adapted and others tried depending on local contexts and what is agreed locally. A 'one size fits all' approach is not sensible.
3. We should identify current and emerging action that would demonstrate effective localism, learn from that (as well as what needs to improve) and share it.
4. We need to be mindful of the processes of exclusion and how that plays out in rural as well as urban areas so that we can build a far more participative and inclusive democracy. The idea of developing a 'democracy and inclusion test' to apply to any new arrangements to trial was supported.

5. Such transformation requires culture change, new habits of democracy for public services staff, organisations, elected and Board members as well as residents in how together they make better government and for democracy to function well.
 6. A programme of organisation development, being alert to and tackling institutional and cultural barriers to change, encouraging new behaviours and developing the practise of dialogue.
 7. Members' representative role can be supported by more participative approaches and we should experiment with these.
 8. We should foster social capital supporting communities to deliver better outcomes for themselves through their networks, associations, volunteering, reciprocity and third sector activity.
- 2.12 The Commission's work provides a helpful context for a review of Area Committees and the four focal points of reform (para 2.10) and the broader programme of work above should inform it.
- 2.13 Further new drivers for change
Two significant developments at a national level need to be taken into account:
1. The recent national audit of community planning, and
 2. The Community empowerment legislation
- These are considered below.
- 2.14 Audit Scotland published its report '[Community planning – turning ambition into action](#)' in November 2014. It provides an update assessing progress made nationally and locally, with local progress based on eight local audits². It is being considered by the Highland CPP Board on March 4th and at the CPE Committee on March 25th.
- 2.15 On how CPPs are planning for communities, it finds good practice where the area for community planning was at the local neighbourhood geography, with partners sharing data, creating neighbourhood profiles, identifying potential priorities and discussing this information with local people to agree service priorities with them. Some produce local community plans.
- 2.16 Areas of concern included:
- few Single Outcome Agreements (SOAs) are clear about how community planning will improve outcomes for specific communities and reduce the gap in outcomes between the most and least deprived groups;
 - CPPs need to make better use of data to improve their understanding of differing needs of their communities and identify improvement actions, and especially at more local and neighbourhood levels;
 - While CPPs continue to improve how they consult with local people, they are not yet routinely working with communities to influence CPP priorities;

² The audits referred to were five Community Planning Partnership (CPP) audits in 2014 (Glasgow, Falkirk, Moray, West Lothian and Orkney Islands) and three follow up audits (Aberdeen, North Ayrshire and Scottish Borders).

- Where partners work closely with communities they tend to do this as an organisation rather than with partners;
- There can be a lack of understanding about the Third Sector Interface role.

2.17 These findings support the need for more local community planning arrangements. Consequently, the CPP Board is being asked at its meeting on 4th March to note that a review of Area Committees is under consideration and that there is an opportunity to link that with a broader consideration of the right type of governance for improving local outcomes that involves partner's services. The Board is being asked to enable the development of proposals locally for local community planning, encouraging local experiments and noting that the pace of change may vary across the region.

2.18 In particular the Board is being asked to be mindful of:

- The relationship between District Partnership and Area Committee business;
- The right geographies to use for local community planning;
- Awareness of the business that needs to be considered in public or in private;
- How best to involve community groups and encourage more participation;
- Clarity of governance arrangements - who should be involved in different types of governance e.g. decision-making, scrutiny, problem solving and informing;
- Ensuring duplication and inefficiency is avoided locally with the need to streamline current arrangements;
- Where new arrangements may be put in place locally the former arrangements need to stop being resourced by partners.

A verbal up-date of the Board's view can be provided at the Council meeting.

2.19 The implications of the Community Empowerment Bill have been reported to Council. The Bill is entering Stage 2 deliberations in the Scottish Parliament. The ethos of the Bill is about communities leading change for themselves. This will bring new rights for communities and individuals and new duties on public service providers. Mostly these are about things changing in local communities, with:

- New rights to participate in community planning;
- Making it easier for public assets to transfer to community groups;
- Extending the Community Right to Buy; and
- The right to participate in improving an outcome (right to challenge service delivery arrangements).

2.20 Many of these rights and duties will need local consideration and local governance for them would make sense. A review of Area Committees should recognise the need to be future proofed, and ready to implement the new rights and duties arising from the legislation.

3. Proposed next steps

- 3.1 Given the changing context affecting how we re-design local democracy, local community planning changes and new Community Empowerment legislation a review of Area Committees needs to be broader than the initial three review questions highlighted in paragraph 2.1.
- 3.2 A desk top review of the nature of business considered at Area Committees over the last year is underway and that information will be made available to members by the end of the month. If it is helpful, a survey of all members could be undertaken to assess views on current local arrangements to find out what works well and where improvement is needed.
- 3.3 Based on the recommendations from the Commission on Strengthening Local Democracy, it is proposed that members take time initially in their Ward Business Meetings to discuss ideas for local democratic experiments with Ward Managers. With officer support these can be developed into proposals for wider discussion with partners and communities, with agreed approaches to be trialled. Members can agree locally the pace of change they seek, bearing in mind the long term nature of this programme and the capacity to support it. To support this process initially officers can arrange:
1. A workshop for Area Committee Chairs and District Partnership Chairs;
 2. A briefing on Participatory Budgeting as a new way to involve communities initially in the allocation of discretionary grants.
- Ideally several local experiments could be pursued between now and end March 2017.
- 3.4 Members can also consider locally how they wish to hold community conversations about the type of democracy we want, how that can support people working together to make change happen in their communities by having more power and influence over what matters to them and how that can reduce inequalities.

4. Implications

4.1 Resource implications

Officer time to support members in their deliberations initially will be through the Ward Management Team. Most Ward Managers cover more than one Ward so developments need to be mindful of their workload as well as member appetite for change. Given the reduction in public spending in real terms into the near and medium term any proposals for change must be affordable. Streamlining current local arrangements should enable re-deployment of resources across public services.

4.2 Legal implications

Relevant legislation includes the Public Bodies (Joint Working) (Scotland) Act, the Community Empowerment Bill and the local government (Scotland) Act 2003. Members will be advised of the legal implications of the ideas they generate.

4.3 Equalities implications

With a focus on local democracy being strengthened by reducing inequalities

and finding ways for everyone to participate, equalities considerations are pertinent. New processes proposed would be supported by a democracy and inclusion test and that would include understanding how to remove the barriers some people face to being involved in decisions affecting them.

4.4 Climate Change/Carbon Clever implications

New proposals for local democracy should encourage less travelling and low carbon travel. Part of the criteria for the new carbon clever community grants is engagement of people in low carbon projects and behaviour. This could encourage more people to be involved in how to make change happen in their communities.

4.5 Risk implications

A review of Area Committees needs not only to consider the effectiveness of current arrangements but also to identify what can change for the better given the new legal, political and partnership drivers for change; however we need to manage the risk of potentially undermining proper governance and accountability for public resources. This is especially important given that resources are reducing in real terms. Officers will support members to ensure the ideas to be trialled do not breach governance and accountability requirements.

4.6 Gaelic implications

The only implication for Gaelic identified to date relates to ensuring the Council's policy on translation is used when promoting community conversations and public meetings.

4.7 Rural implications

If several local experiments are identified, it would be ideal for these to be found in rural and urban areas to learn from experience in different community settings. A 'one size fits all' approach is not promoted and instead local solutions should be identified locally.

5. Recommendation

5.1 Members are asked to agree that a review of Area Committees is undertaken that will:

1. Be mindful of not only ward forums and business meetings but also other local community planning forums and District Partnerships in terms of business covered and the resources involved;
2. Take forward the Council's response to the recommendations from the Strengthening Local Democracy Commission, as outlined in paragraphs 2.10 and 2.11;
3. Support the new duties arising from the Community Empowerment legislation;
4. Allow members initially in their Ward Business Meetings to discuss ideas for local democratic experiments with Ward Managers. With officer support these can be developed into proposals for wider discussion with partners and communities, with agreed approaches to be trialled. Members can agree locally the pace of change they seek, bearing in mind the long term nature of this programme and the capacity to support it.
5. Ideally involve several local experiments between now and end March 2017.

5.2 Members are asked to consider:

1. whether a survey of all members is undertaken to assess views on current local arrangements to find out what works well and where improvement is needed.
2. Locally how they wish to hold community conversations about the type of democracy we want, how that can support people working together to make change happen in their communities by having more power and influence over what matters to them and how that can reduce inequalities.

5.3 Members are asked to note that:

1. A verbal up-date of discussions with David O'Neil the Chair of the Commission on Strengthening Local Democracy and with the Community Planning Board can be provided at the meeting.
2. A desk top review of the nature of business considered at Area Committees over the last year is underway and that information will be made available to members by the end of the month.
3. To support this process initially officers can arrange:
 - a. A workshop for Area Committee Chairs and District Partnership Chairs;
 - b. A briefing on Participatory Budgeting as a new way to involve communities initially in the allocation of discretionary grants.
6. Officers will support members to ensure the ideas to be trialled do not breach governance and accountability requirements.

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Date: 2.3.15