

## Highland Community Planning Partnership

Chief Officers' Group – 7 November 2017

Agenda Item	8.
Report No	COG 11/17

### Commission on Highland Democracy – Findings - Executive Summary

#### Report by Community and Democratic Engagement Manager

##### **Recommendation:**

The group is asked to consider the findings of the Commission and discuss the implications for the CPP.

## 1. Background

- 1.1 In response to the National Commission on Local Democracy, Highland Council, who sponsored and supported the Commission, were determined to take up the challenge of examining how the democratic process in Highland could be made more effective. This sat well within the Council's own work in opening up its decision making processes and being more "local" in the way it does business.
- 1.2 The list of Commissioners is attached, **at appendix 1**, along with a short biography of each.
- 1.3 The Commission adopted a multi-faceted methodology in order that its engagement with Highlands's people was as comprehensive as possible-
  - to initiate a conversation with Highland communities and individuals using as many forms of information technology and social media as possible. This conversation was both formal and informal with many people responding to a survey while others simply gave views and opinions on a more free form basis highlighting issues they thought important or interesting. The majority of views collected were received in this way.
  - a series of face to face meetings with communities and groups throughout the Highlands. These meetings were arranged in a variety of ways. Some piggybacked existing meetings arranged for more general purposes but many arranged for the specific purpose of engaging with the Commission. As many of these meetings were organised as the Commission could support and they tried to ensure a considerable geographical spread involving as many sections of the community as they could.
  - whenever the Commission felt it was beginning to understand a consistent message or messages as a result of the information they were receiving they went back to communities and individuals to "check" that their understanding was accurate. This is a time consuming but important element of their methodology and over the life of the Commission rounds of developing understanding and returning to communities to check it out happened at least three times but often more, on specific issues.

## 2. Interim Report

2.1 The Commission has produced an interim report. This is available on the Commissions' website-

<https://highlanddemocracy.wordpress.com/>

2.2 The Commission intends to produce a final report that is in a public friendly format. This is due to be completed by the end of November 2017. This report would be launched by the Council in December 2017.

### 3. **Key Findings**

3.1 The report sets out five broad issues that would underpin the development of improved democratic participation in Highland-

1. Decision making is exclusive
2. People want involvement and engagement
3. Empowered consumers
4. Integrated local democracy
5. Balanced decision making

A more detailed narrative of these is attached as **appendix 2**.

3.2 The Commission has also offered some proposals on how public bodies might respond to the challenges identified. These are under the following headings and the detail of them is attached as **appendix 3**.

1. The importance of strategy
2. Understanding democratic responsibility
3. Locality planning and involvement
4. Community Councils
5. Making Individual decisions within a democratic framework
6. Community responsibility

### 4. **Next Steps**

4.1 The group may want to consider-

1. How the CPP could develop its understanding of the issues
2. How the CPP might want to begin to review/renew its approach with regard to the issues raised.
3. How the CPP could support the launch of the final report

**The Commission on Highland Democracy**

Rory Mair (Retired Chief Executive of COSLA), Independent Chair of the Commission

Peter Peacock (Former Leader and Convener of the Highland Council and Labour MSP for the Highlands and Islands)

Mhairi Wylie (Chief Officer at the Highland Third Sector Interface)

Andrew Thin (Chairman of Scottish Canals and non-Executive Director, Scottish Government)

Calum Maclennan (Highland Youth Convener)

Sheila Fletcher (Community Transport Association)

Philomena de Lima (Director of the Centre for Remote and Rural Studies, University of the Highlands and Islands-Inverness College)

Ian Ross (Chair of Scottish Natural Heritage)

Sarah Bruce (North News Editor, Aberdeen Journals)

Cllr Margaret Davidson (Leader of the Highland Council and Independent Group Leader)

Cllr Isobel McCallum (Convener of the Highland Council, Independent Group)

Cllr Richard Laird (Depute Leader of the SNP Group)

Cllr David Alston (Lib Dem Group, and Chair of NHS Highland Board)

Cllr Deirdre MacKay (Labour Group)

Cllr Thomas Maclennan (Highland Alliance Group)

### Issues Underpinning the Development of Democratic Participation

#### **1. Decision making is exclusive**

Decentralisation/ centralisation is not seen by local people to be primarily a geographical issue although it does encompass some spatial aspects. People consider decision making to be centralised not because it takes place a long distance from them. Rather, they feel that centralisation occurs when a small group of highly empowered individuals take decisions in a way that has little reference to anybody outside the decision making group and in an exclusive way. With this view of centralisation, it matters little where decision makers are situated and much more how they go about their business.

#### **2. People want involvement and engagement**

People have told us time and again that they want a relationship with decision makers in which they are involved and engaged on an ongoing basis. In this situation, decision makers can regularly ask communities for their views for a variety of subjects but equally communities can decide to make their views known on the issues that concern them.

#### **3. Empowered consumers**

Almost nobody has said they want to take decision making from their elected or appointed representatives and make them themselves. Quite the reverse, most respondents want to be empowered consumers of services and decisions rather than deliverers or decision makers themselves. And they understand the importance of having elected and appointed representatives to take the final decision in important and difficult matters. They do, however, want decision makers to arrive at their decisions in a much more open and involving way.

#### **4. Integrated local democracy**

People want engagement and involvement in the democratic process to happen as part of their day to day living rather than as a separate thing. The Commission takes this to mean that conversations about community aspirations, public services and infrastructure are taking place in communities throughout the region. There seems to be a demand that these conversations are captured and used in decision making, rather than a separate consultation exercise being contrived around these same issues which it is unlikely many people will have the time or inclination to participate in.

#### **5. Balanced decision making**

Communities hold the view that for good decisions to be made there is a necessary balance between three different inputs. They recognise the need for high quality professional officer advice. They understand the role of the elected and appointed decision makers and the important perspectives this brings. However, they want to see a third component which is a strong element of community input. The view is that if any one of these elements is missing, less good decisions will be made

### **THE COMMISSION'S THOUGHTS ON POSSIBLE RESPONSES**

There seems to be little doubt that any solution regarding democracy in the Highlands is going to be a combination of two sorts of action. Some things are strategic and cultural and some are more tactical and transactional. It is important to see the link between these and the need to see them addressed concurrently. No tactical transactional changes are going to mean very much if they take place in a strategic and cultural setting that does not value ongoing democracy as highly as it should. Equally, having some overall statement and fine words about democracy that are not translated into practical changes and actions will be unlikely to convince the public we have been speaking to that anything has changed.

There are timescale issues here. Cultural and strategic change is notoriously difficult to bring about and can take a long time but people will want to see quick changes as a result of the Commission's report. Achieving some appropriate balance between quick action and long term cultural and strategic change will be a challenge for Highland public bodies. This is especially true if, as in the eyes of the community, some of the Highland public bodies are "strategy light".

In trying to suggest some ways forward the Commission feels that rather than concentrating on the negative, we should try and outline what we believe communities would "think good looks like". We have therefore chosen to outline what communities would expect to be in place if democracy in the Highlands was functioning better than it currently is.

### **THE IMPORTANCE OF STRATEGY**

Communities and citizens understand the importance of strategy as a corner stone of the democratic process. In this context, strategy is not seen as some dry policy tome but rather a statement of clear purpose clear priorities and outcomes that agencies are trying to achieve. Communities expect that as these are public bodies, these strategies must be expressed in terms that the public can understand and must be capable of actually being used.

Everybody the Commission has spoken to knows that resources are tight and that not all the services they might want will be available. What they wish to know is: what are agencies priorities, why were they chosen, and what outcomes will these choices deliver? They also wish to be assured that if choices need to be made between one spend or another those clear purposes, clear priorities and focus on improved outcomes will be the consistent basis on which investment decisions are made? It is often difficult to see such clear statements from Highland public bodies and this has a number of important consequences.

The first is, that without diminishing or excluding the importance of executive advice and involvement, these strategies are the responsibility of governance i.e. the people who are to be held accountable. Without these, communities and citizens are confused regarding what they do about accountability. If such strategies do not exist and are clearly owned by an agency's governance, it's no surprise that people

believe that executives are too powerful. It is almost impossible to see how governance holds executive to account if no such clear strategy exists.

In truth, communities believe they know what happens. In the absence of any other process, both they, the public, and those in governance roles have to focus on control through challenging individual decisions. Instead of holding agencies to account for the cumulative effect of their work both governors and the public grab onto controlling those decisions they can get their hands on.

Communities and citizens find this hugely frustrating. They know that far too many decisions are taken every day for this to be anything other than superficial. Decisions that are discussed are identified on an arbitrary basis and in the absence of effective strategy and priorities. As a result, the outcome of decision making often appears random. Understandably, executives also dislike this process. Firstly, it smacks of micro management and secondly, when the public and governors do become involved in decisions it can be confrontational, inconsistent and doesn't deliver the stability necessary for effective services.

The Commission is convinced that these difficulties do not arise because anybody deliberately behaves badly. They are the inevitable consequence of an absence of an effective strategic process. For democracy to really work, those with governance responsibility must accept the responsibility for providing the clear strategic, framework outlined above. Communities expect that they will also have a clear and effective process by which they can hold their executive to account and if outcomes are long term, they need a clear idea of how progress will be monitored along the way. The democratic process then becomes the interaction between the public and this strategy, not a constant failing and anyway ineffective bun fight over individual decisions. Communities and citizens understand that, for their part, the executive of the agencies will necessarily be involved in the articulation and development of strategy. The community expects that they will then commit to making decisions within the framework and alerting governance when necessary decision making and strategy seem at odds.

## **UNDERSTANDING DEMOCRATIC RESPONSIBILITY**

The community and citizens expect that part of this strategic framework would be a statement by every public body outlining their understanding of their democratic responsibilities and how they will maximise the value and importance of what is after all, a very peculiar and particular status. Communities expect that, as all the public bodies in the highlands are, by definition under democratic control, they will be able to explain how they intend to make that accountability real and effective. Given the time and effort communities have expended engaging with the Commission, they would expect that the issues they have raised regarding the current difficulties with the democratic process would be explored in these statements.

Communities and citizens understand that there may be some differences in the direct nature of democratic accountability between an agency like the Council, which is very immediately accountable to local citizens, and the Highland Health Board which has a clear accountability to parliament and the cabinet secretary, as well as a

local connection. However direct accountability is, communities would benefit from a very clear understanding of how the agency itself thinks it is supposed to work.

As well as dealing with how accountability works, these statements will help to give communities and citizens a clearer picture of who is accountable for what. This is important because the Commission recognises that communities and citizens cannot hold agencies to account if they don't know what those agencies are responsible for. Of course, in an ideal world, communities and citizens would wish all local agencies to be totally accountable for everything they do. However, communities understand that this is not legally possible and may not even be desirable. They do however want a clear statement from agencies regarding what level of accountability the agency expects to develop and how they will make that accountability real and effective.

### **LOCALITY PLANNING AND INVOLVEMENT**

As part of strategy development, communities and citizens expect that the broad thrust of the community planning and community empowerment legislation should be fully embraced. They therefore expect that at a very local level some form of community profiling and planning should be done by all agencies jointly.

In other words, there should be a collective and in depth look at an area's needs, its aspirations, its problems and its opportunities between the agencies. A local plan for each area reflecting the public bodies' explicit strategy and priorities should then be produced. Communities expect that, as legislation suggests, these plans should be based on a digest of agreed profiling information which should be equally available to the community and the agencies. This digest of information should be the source of all local planning and decision making thus relieving the tension of disputed source information.

This process would address a number of the issues communities and citizens raised with the Commission through our investigation. Firstly, these plans would be developed within a framework of explicit strategy thus encouraging local people to engage with their representatives over their development.

Secondly, the development of these local plans is necessarily longer term and developmental. That allows the process to focus on involvement and engagement rather than simple consultation. The focus can be on the plan and its implementation rather than one off decision-making.

There is the possibility of a significant role for Community Councils in this process. They are a statutory part of governance in Scotland and they should be part of this planning process in a meaningful way (the status and support of community councils is raised as a separate issue elsewhere in this report).

Lastly, the process of development can seriously embrace activism as well as representation. This may open the possibility that the plans will lead to actions and continued community activity to achieve ambitions which cannot be delivered by the statutory agencies working on their own.

Communities and citizens would then expect that service plans for Education or Health for instance would have to be respectful of these local plans and show how

they deliver them rather than be developed in a more abstract, technocratic way. Communities want to see a clear line of sight between overall agency strategy aspiration and outcomes, local plan development and the day to day service decisions that agencies make.

## **COMMUNITY COUNCILS**

It is fair to say that communities and citizens expressed quite diverse opinions on the question of the role and value of community councils. Some community councils appeared to be doing a really good job and have the confidence and support of their communities. In some cases, however, communities believe that their community council is exclusive, unrepresentative and dominated by vested interests which make little or no attempt to reflect the views of the whole community.

What seems clear to the Commission is that community councils find themselves in something of a no man's land in terms of their statutory role and ability to function. Community councils are part of the statutory framework of representation in Scotland and if they were all equally strong and effective and able to play a full part in decision making, Scotland would be on a par with the more decentralised countries in Europe with regard to local democracy. However, it is equally clear that while community councils have to exist, many of them do not have the capacity, resources, support and interest to represent their communities properly. In addition, communities themselves recognise this and in many cases, interest in the community council and the value placed on them by their communities is limited.

The Commission believes that a decision needs to be made by the public bodies regarding moving community councils out of this no man's land. They either have to be supported, developed and resourced in such a way that they can play a full and active part in representative democracy on the Highlands, or it must be recognised they don't and can't carry out this function. Even if community councils cannot reach the standards and capacity expected of a representative body, this does not mean they are lacking value. They may still be a focus for community activism and in a situation where there is a better balance between representative and participative democracy; they can have real value in that capacity.

The Commission does not mean to criticize or denigrate community councils in any way but we have to reflect the views of the number of people who saw community councillors as being every bit as distant, unrepresentative and exclusive as any of their other elected representatives.

It is not for the Commission to decide how this issue should be resolved but there is little doubt from the evidence we have collected that local communities and citizens would value a representative body very close to their communities resourced, supported and capable of playing a full part in local democracy on their behalf.

## **MAKING INDIVIDUAL DECISIONS WITHIN A DEMOCRATIC FRAMEWORK**

Communities and citizens recognise that even within this revised strategic framework individual decisions will have to be made and they will remain a focus for accountability and democracy. Communities expect that a number of issues will be



addressed by public bodies to secure more effective involvement and engagement around decision-making.

Communities consider that in order to address the issue of balance between democratic and technocratic inputs to decision making, changes are needed.

The Commission considered recommending a very prescriptive set of rules regarding how officers prepare reports. However we want to see a change in culture and approach around this issue and recognise that rules and prescription won't necessarily deliver this. Instead we are asking officers to embrace a more demanding challenge.

In addressing any issue that may be the subject of a report to decision makers the Commission proposes that officers adopt the following approach:

Firstly they should consider how much the agency already knows about communities views of an issue and whether this is sufficient knowledge upon which to base informed decision Secondly all officers should ask how the agencies understanding of communities views and what they and their colleagues can do to generate better knowledge and understanding and put that in front of decision makers as they consider the issue Thirdly when and if recommending a way forward reports should explain how community views and opinions have been taken into account and informed the recommendations.

Lastly when the recommendations in reports do not reflect community views , in whole or in part, officers should explain what overriding other considerations have led to the recommendations and why. It is of course important that officers have the option to recommend actions that go against community views. However when this happens decision makers and communities should know that's what's happening and why.

Communities are clear that they want all agencies to be extremely careful about how they manage public consultation. While individual restricted decisions may lend themselves to consultation, strategic thinking requires and demands involvement and engagement. Agencies must not confuse the two.

Responding to consultation takes community time and effort. It must be possible across agencies to ensure that differing requests for consultation responses don't put an impossible workload on communities at any one time.

Agencies must recognise the time it takes for communities to respond effectively and time their consultation requests in a way that makes room for that to happen and ensures that decisions are never taken while responses are still coming in.

Agencies must always acknowledge consultation responses and give detailed feedback to communities regarding the cumulative outcome of the consultation and how that has affected decision making. These are the minimum requirements for consultation and if agencies cannot meet those they should honestly admit that they are not doing "consultation "at all.

Communities are aware that many agencies are considering their approach to decentralisation. There is little doubt that communities believe that in an area the

size of the Highlands more local decision making is required and expected. In developing their plans, communities would wish all public bodies to adopt the principle of subsidiarity with regard to where and how decisions are made. In other words, instead of “the centre” deciding which decisions should be taken at an area level, it should be agreed that all decisions will be taken at a local level unless there is an overriding argument for them to be taken on a more Highland wide basis. Adopting this principle, would reassure communities that the wide variety of geography, economy and culture that exist within the Highland area will be reflected in decision making.

In addition to more decisions being made locally, communities also want greater local input to decisions that are taken on Highland wide basis. In trying to satisfy both of these community aspirations as best they can, agencies should be mindful of the communities view that decentralisation is not primarily a geographical matter. Their view is that it will not matter where decisions are made if the way they're made continues to exclude them. Inclusive decision making is more valuable than exclusive decision making that's more geographically dispersed.

Given so much of the communities concern about democracy, reflects the attitude and day to day practice of elected representatives, communities would like to see a programme of continuing professional development for all elected representatives. This would involve programmes of induction, training and support to ensure that all of a communities' representatives, be they community councillors, councillors, MPs, MSPs etc. were aware of their practice and constantly striving to improve it to meet the needs of their communities. Throughout the Commission's work, Highland people have paid a great compliment to their representatives. There has been no evidence of a wish to move away from traditional forms of representative democracy; more a wish that these forms simply worked better. Communities are prepared to commit to their elected representatives but they do expect a level commitment in return. An ongoing commitment to professional development seems to be a reasonable request in this regard.

## **COMMUNITY RESPONSIBILITY**

This report focuses almost entirely on the approach, actions and behaviours of public agencies. However participative democracy also demands a mature approach by communities and individuals. The Commission recognises this and would wish to emphasise two important things.

Most obviously for participation to work people must participate. Throughout our work we heard real frustration from representatives and activists that being engaged and active is the exception rather than the rule in many communities. There was a worry that voices were only ever heard when a really major issue was current and that they were silent on the more day to day business of democratic involvement.

There is no criticism here but a simple recognition that if public bodies open their procedures to be more inclusive, more engaged and more sensitive to community views, that only works if people chose to be active. In addition it's important that communities understand that an offer of inclusion is not a guarantee that their particular view will prevail. The Commission encountered many instances where individuals and communities complained passionately that they had not been

involved or listened to. These conversations and subsequent investigation sometimes showed a quite different picture namely that there had been considerable genuine involvement that resulted in a course of action that some activists did not agree with.

This will happen and in situations of competing resources, varying community views and many financial and legal constraints we charge our elected or appointed representatives with the job of making the best decision.

If local democracy is only judged to have been effective if communities always see their views translated into decisions and action then it will fall short on many occasions. Communities are asking that public bodies treat local democracy very seriously. In return community expectation should be both mature and realistic.

## **CONCLUSION**

This report has tried to focus on the five or six major suggestions that the Commission would wish to make in response to the evidence provided by communities regarding the state of local democracy. There is much more detail contained within the full range of gathered evidence and there are many more discussions which the Commission has had in considering that detail. To try and include proposals about the use of new technologies, social media and all of the issues relating to how we involve those furthest from the democratic process is a further major piece of work. These issues are all vitally important and the Commission has thoughts and ideas on them. However, until the basic framework of strategy development, local planning, an understanding of democratic responsibility and a better process of individual decision making are in place, it is unlikely that much progress on these more specific matters can be made.

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