

<b>Agenda Item</b>	<b>18</b>
<b>Report No</b>	<b>HC/45/18</b>

## HIGHLAND COUNCIL

<b>Committee:</b>	The Highland Council
<b>Date:</b>	25 October 2018
<b>Report Title</b>	Commission on Highland Democracy
<b>Report By:</b>	Chief Executive

### 1. Purpose/Executive Summary

- 1.1 The Council took a keen interest in the findings of the national Commission for Strengthening Local Democracy which reported in 2014 and sought to explore ways in which to improve local decision making and engagement within Highland.
- 1.2 At the Council meeting in March 2016, Members were advised of proposals to establish an independent Commission on Highland Democracy. This would be chaired by former COSLA Chief Executive, Rory Mair. Throughout the process, the Council supported the work of the Commission by providing secretariat support through the Policy Team in the Chief Executive's Office.
- 1.3 The Council received regular updates from the Commission over 2016 and 2017 with an interim report being considered by Council in June 2017. The final report was launched in December 2017. <https://highlanddemocracy.wordpress.com/>
- 1.4 At the Council meeting on 6 September 2018, and in relation to a discussion on the Local Governance Review, Members requested and agreed that it would be timely to debate the Commission's final report. The debate may assist in informing the Council's response to the Local Governance Review.
- 1.5 This report introduces the Commission Report and provides a summary of the key findings to support Member discussion and debate.

### 2. Recommendations

- 2.1 Members are asked to:
  - Consider and discuss the final report from the Commission on Highland Democracy.

### 3. The Commission – Approach and Key Findings

3.1 The Commission on Highland Democracy published its final report in December 2017. <https://highlanddemocracy.wordpress.com/> This was the culmination of around 18 months of work.

#### 3.2 *Membership*

The Commission was set up to be independent of the Highland Council. In terms of membership, just under half were existing Highland Councillors with the remainder selected based upon their skills, capacity and time to be involved. A list of Commissioners can be found at **appendix 1**.

#### 3.3 *Methodology*

The Commission adopted a range of methods and approaches in order that its engagement with Highland communities was as comprehensive as possible. Three key approaches were adopted:

- 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 meetings were organised as the Commission could support and attempts were made to ensure a considerable geographical spread involving as many sections of the community as possible.
- The third approach was a sense check. 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 was an important element of the 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.

Further details of the approach can be found in the full report.

#### 3.4 *Key Findings*

The Commission determined seven broad issues raised by communities that, if addressed, would underpin the development of improved democratic participation in Highland:

1. Communities and individuals want involvement, not consultation and they are acutely aware of the difference between these two approaches.
2. Centralisation/decentralisation is not primarily a geographic issue. It is much more about inclusive or exclusive decision making.

3. Involvement with the democratic process should be integrated with the daily lives of citizens; not organised to suit the way in which public bodies work.
4. Communities want to see an appropriate balance between representative and participative democracy.
5. Communities want to see an appropriate balance between professional and executive, community based and representative inputs to decision making. Currently communities feel that professional inputs are the principal determinants of outcomes.
6. Communities and citizens expect that there will be considerable interconnection and joint planning between the various public bodies that serve their needs.
7. Communities and citizens were concerned that the ability of public bodies to secure and interpret complex information can be used as a powerful “weapon” to ensure that agencies get their own way.

In terms of moving forwards, the Commission identified 6 key things which would be in place if democracy was functioning better than at present. ‘What Good Looks Like’ was articulated as:

1. **The importance of strategy** – this needs to be laid out clearly by public bodies. That means they should have a statement of clear purpose, clear priorities and the outcomes they’re trying to achieve.
2. **Understanding democratic responsibility** - communities 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.
3. **Locality planning and involvement** - agencies should produce 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.
4. **Community Councils** - there are quite diverse opinions on the role and value of community councils. Some do have the confidence and support of their communities however the report notes that others feel the community council is exclusive and unrepresentative and community councillors being every bit as distant as any other elected representative.

The Commission notes though that Community Councils are a statutory part of governance in Scotland and should be part of this planning process in a meaningful way. The report notes that a decision needs to be made by the public bodies to move community councils out of what it calls “this no man’s land.”

5. **Making individual decisions within a democratic framework** - agency officials recommending actions to decision makers on public bodies should consider whether they know what the communities think and whether they know enough to make an informed decision. When their recommendations override community views, they should explain why. Agencies must give communities time to respond effectively. Decisions shouldn’t be taken while responses are still coming in. In the Highlands, decision making should be as local as possible.

6. **Community responsibility** - communities themselves must be open to more participation, if agencies are to make their processes more open and accountable. They must accept that the offer of inclusion doesn't automatically mean their views will prevail. "Communities are asking that public bodies treat local democracy very seriously," says the report. "In return community expectation should be both mature and realistic."

#### 4. Next Steps

- 4.1 The findings of the Commission can help inform and support the Council's response to the Local Governance Review. The debate on the findings of the Commission will be combined with information gathered through a range of other mechanisms:
- Individual Group discussions to consider the review which will then inform a discussion with Group Leaders in November;
  - Feedback from Community Planning Partnership discussions to develop a CPP proposal to submit to the review;
  - Feedback from the initial engagement phase of the Community Council Scheme Review including a pan-Highland workshop for Community Councils in November.
  - A Member seminar in November to consider developing proposals to submit to the Governance review.
- 4.2 Based on the activity outlined above, the Council meeting in December will consider a proposal to submit to the Government and COSLA as part of the Local Governance Review.

#### 5. Implications

- 5.1 *Resource* – whilst there are no direct resourcing implications arising from the report, there may be resource implications through any decisions taken to implement the findings. Commissioners provided their time on a voluntary basis. The Council supported the work of the Commission by providing secretariat support through the Policy Team in the Chief Executive's Office.
- 5.2 *Legal* - the Community Empowerment Act places a duty on public bodies to enable public participation in decision-making. The findings of this report can assist the Council on how to support this and its commitment to Localism. The findings can also assist the Council on how it may wish to respond to COSLA and the Scottish Government's Local Governance Review.
- 5.3 *Community (Equality, Poverty, Rural)* – the Commission sought views from across the Highland area and a range of communities both geographical and communities of interest.
- 5.4 *Risk, Climate Change and Gaelic* – there are no climate change or Gaelic implications.

Designation: Chief Executive

Date: 14/10/18

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**The Commission on Highland Democracy - Membership**

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 MacIennan (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 MacIennan (Highland Alliance Group)