

# Democracy Matters: SCDC response to consultation

## Introduction

---

**This submission to strand one of the Democracy Matters conversations is a joint response from SCDC (Scottish Community Development Centre) and CHEX (Community Health Exchange).**

Our submission is based mainly on what we have heard from a facilitated discussion with people connected to organisations from the CHEX network, and through informal conversations with groups we are working with through the Supporting Communities programme and other SCDC work strands.

The type of organisations participating in discussions have included housing associations, community councils and local health and food projects from a mix of urban and rural areas.

Our submission also considers the views expressed by a mix of practitioners and activists at table top discussions we have been involved in at the CDAS conference, PB Festival and Poverty Alliance annual conference, all of which took place between the launch of the Democracy Matters conversations and the end of October 2018.

The conversations were predominated by views from people involved in communities of locality, but we also heard from people concerned with the impacts and opportunities of a review of local governance for communities of identity, mainly BME groups and disabled people.

This submission is written in two parts. Part one is a summary of what we heard in response to the questions set by the review. Part two is our analysis of what those conversations told us, combined with the developing knowledge within the SCDC team of recent measures to increase participation, engagement and community empowerment, and the results of our research on both participation requests and the role of community councils.

## **Part 1 - Conversations with communities**

### **Experiences of getting involved in decision-making processes that affect local communities or communities of interest**

In all our discussions, a key feature has been the high level of dissatisfaction with the ways in which decisions are currently made. Community organisations reported a lack of accessible information about who makes the kinds of decisions that impact on them, when, and on what basis. They expressed feelings about not being listened to and frustrations that current consultation and engagement processes tend to be formal and driven by the needs of public sector systems and structures rather than focusing on the issues that matter to communities.

Some participants gave examples of cuts to local services which have been done with no consultation. Examples included cuts to youth work services and reductions and changes to bus timetables. Other contributions included observations that:

- Community energy is often taken up by protest and fighting about something that has been imposed, a decision that impacts adversely on a community, or on something the public sector hasn't got right.
- Decisions within the control of community organisations are quick to arrive at and easy to implement, but it is very difficult to get rapidity of response from public sector partners. Sometimes this delay can compound problems which can be easily prevented or resolved.
- Elected members often understand the issues affecting communities but the block in getting things done sits at officer level.
- Lines of accountability between councillors are blurred. One organisation reported that they worked across 3 wards, with around 12 councillors representing them, and the lack of clarity (for communities) on who was responsible for what.
- Professionalisation of community services has taken away from community action and this sometimes costs more money. One organisation gave the example of football activity provided through voluntary effort in an SIMD area, with no financial or in-kind support and where 140 plus children regularly participate. In comparison, a public-sector organisation, with no community consultation, set up a pop-up football pitch in the same area at a cost of £14,000 where 10 children participated.

In summary, no one we spoke to was happy with the status quo.

## **Would local communities or communities of interest like to have more control over some decisions? What sorts of issues?**

In the main, most people we spoke to, in organised conversations and as part of our programme work, agreed that they would like more control over what happened in their own communities - both communities of locality and identity.

It should be noted however, that many people who engaged with us in our conversations were already very active in community life. Most of them were part of communities which are already organised, and have strong, trusted anchor type organisations established in their area.

Most people thought that if decisions were made more locally, there was more likely to be more direct accountability for why and how decisions were made and what basis.

When asked about control over what issues, responses varied across physical and environmental improvements to delivery of local services. One person summed this up as 'control over decisions on what makes our community a better place to live – we decide what'.

It was generally agreed that local authorities and other public bodies should maintain their mandatory and regulatory powers but that some other permissive powers could be devolved to a more local level.

Examples of what communities of locality could have control over included;

- Street lighting
- Grass cutting
- Environmental improvements
- Winter maintenance and prevention
- Local transport

It was also proposed that communities of locality and identity could have control over the resourcing of, and a local delivery role in, preventative services such as youth work, services which support a social model of disability or health, and care for older people.

## **What does local mean?**

Discussions on this question produced no definitive response.

People living in rural areas found it easier than people living in urban areas to define what local meant to them in terms of boundaries of place.

Those people involved in communities of locality reported that the term 'local' needs to be flexible as it can often depend on 'life's journey' and where services such as schools, shops, or clinics are.

One person defined his locality as anywhere he could get to on public transport, and this did not necessarily include some areas more geographically close to him.

Some people also defined locality by the type and nature of established community organisations and structures (Note: this could have been reflective of the fact that participants were in most cases involved with those organisations), but it was discussed that this was problematic as not all areas had community anchor organisations or community councils.

Some people noted that localities and local boundaries (in terms of services) are defined by public agencies, which are not always recognised by the people living there.

The idea about what local means was particularly problematic for people representing, or from, communities of identity. Many people from communities of identity spoke about their lack of access to services and facilities most people take for granted in their everyday lives, for example, transport, places for social interaction or entertainment, and the outdoors.

They reported lack of access in physical, language and cultural terms. People experiencing this type of exclusion defined their communities as being formed by people who shared common characteristics rather than by physical boundaries or places where people congregate.

The emergence of online communities and their importance for some people was also noted.

## **Existing or new forms of democracy?**

People had mixed views about this question, and ideas generally reflected current experience as opposed to ideas about new models.

Some people we spoke to had experience of participatory budgeting and saw it as an approach to support wider participation by people and groups who may not normally be involved in decision making processes, but only if it was accessible and if the processes were transparent and properly democratic.

It was suggested that large urban areas could be re-designated as small towns. The rationale from respondents was that large urban SIMD areas would have a better chance of being able to design and implement local solutions to mitigate the impacts of endemic poverty if decisions were made on a local scale, as opposed to decisions, which may not be appropriate or beneficial for all communities, being made at city wide level.

Some people suggested that community councils should be given more powers, with most people saying that, if this was to happen, they need to be more accessible, and community councillors need to be democratically elected.

The idea of an expanded community anchor was suggested by two people (from the same area). They proposed that such a body would be made up of a collective of community-led housing associations (where all board members are already democratically elected), that other community organisations could propose nominees, and that proposals for nominees could be also be open to local councillors and individuals - all for public vote.

The potential impact for already excluded groups was discussed in all conversations. People representing, or from, communities of identity expressed fears that a more local level of democracy does not necessarily mean more equality, and that devolving power to a more local level may circumvent current statutory duties on equalities issues placed on public bodies.

A dominant theme in all conversations was the democratic accountability of any new structure – that people would have to be democratically elected and that any new structure must evidence that the decisions taken are done so democratically with transparent and accessible information made available to the wider community on what is decided and on what basis.

## **Anything else?**

It was generally agreed that any new structure, or new processes, need to be implemented gradually and that local community development support is needed to help communities 'build up' and be involved.

Difference of opinion and/or conflict was raised as an inevitable part of any democracy and it was proposed that any new structure must be properly equipped to deal with this and have the appropriate skills (or access to skills) in place.

A recurring theme, over and above control of resource allocation, was the need to resource the *process* of participation, especially in ensuring that barriers to participation are reduced for people currently experiencing exclusion.

The need for information and expert advice to feed into any new structure was seen as vital, for example, information on who owns land and what restrictions are in place, expertise in buying or leasing land, other expertise on business development or social enterprise, and access to local population and health data.

It was also suggested that we need to re-think how some public services work, and how they might sit alongside new local structures. Police Scotland and the move to a single force model was given as an example of this, with some suggestions for re-localising aspects of its role so that communities can influence and co-deliver better local outcomes.

## Part 2 - Summary analysis

In our response to this part of the Democracy Matters consultation we have stopped short at suggesting a specific model. We believe that, before making concrete recommendations for legislation, more exploration of the ideas that are starting to be generated is needed.

We also believe that the conversations need to be extended to include the views of communities not already organised, and the response of members of the public. The organisations who participated in the CHEX conversation, and the people who had knowledge of and capacity to attend the national events, could be described as well networked, motivated, confident and already fully engaged in 'community life', giving a potential bias to the nature and outcomes of the discussions.

Most of the people we spoke to self-selected to be part of this conversation as they saw the review (in the round) as an opportunity to actively influence changes to where power lies.

Participants from communities with established anchor organisations were more open to the discussion of power and accountability being devolved locally, whereas others from communities with less community 'infrastructure' just wanted public services to listen better and respond to what they were saying.

Some of the conversations we had were subject to confusion about the term 'control', with some people querying control over what, for example, direct or indirect control of public money? In some instances, this part of the discussion was interpreted as community organisations having more control (and more accountability) and conversations did not progress beyond this to ideas about a more local democratic 'layer'.

Overall, however, there is no doubt that the people and communities we have spoken to in the Democracy Matters conversations and through our own programme and research work, have a desire and an appetite for power to be devolved more locally. This might be done through legislating for a **new local democratic structure**, and/or strengthening and developing legislative mechanisms to encourage **more participatory democracy**.

Below we offer suggestions about what models and processes might be explored further, and what principles should underpin them.

## **1. Community Empowerment (Scotland) Act Part 2 Community Planning**

Part 2 of the Community Empowerment (Scotland) Act places Community Planning Partnerships (CPPs) on a statutory footing and imposes duties on them around the planning and delivery of local outcomes, and the involvement of community bodies at all stages of community planning.

Implementation of the significant ambitions of the Community Empowerment Act (overall) is in its early stages. Our programme work suggests that most public authorities and CPPs are still not culturally or practically orientated to implement its duties in a way that conforms to the spirit of the act as expressed in the duties set out and accompanying guidance.

### **1.1 Public services reform and co-production**

The aims of the public services reform agenda are clearly linked to community empowerment and further democratic development with an emphasis on local people and communities of identity being able to influence the purpose, design and evaluation of services.

Co-production does not always require community ownership of services but rather a reorganising of services to make them truly public by improving their impact via authentic service user and community involvement.

Achieving this aim relies on independent capacity building resources to help build and sustain relationships between local people, their own organisations and services. In public service agencies, the democratic precepts of respect, patience and parity of esteem for local people need to be built into the understanding and capacities of leaders and officers.

### **1.2 Participation requests**

It is important that some of the recent democratic innovations legislated for in the Community Empowerment (Scotland) Act, are built on in any new efforts to strengthen local democracy. An example is participation requests which provide a mechanism for community groups to start a dialogue with public service authorities around improving outcomes.

The Scottish Government commissioned evaluation of parts three and five of the Community Empowerment Act counts nineteen participation requests being made up to 31<sup>st</sup> July 2018. Twelve of these were accepted and six refused. Eighteen of these were received by local authorities and at least half were submitted by community councils. Since then, SCDC



has heard of more participation requests being made around Scotland and we regularly receive requests for support and training in this area.

Some participation requests have arisen out of ongoing local disputes with public bodies. Some have been pro-active and outcome-focused, including requests relating to reducing carbon emissions or helping to design local participatory budgeting processes. The scope and scale of requests has also varied significantly, from addressing issues around the state of repair of a road or building to working to improve policies relating to health and wellbeing.

The signs are that participation requests are going to be a permanent feature of participation in public services in Scotland. The ongoing evaluation of participation requests is part of the three-year review built into the legislation, and this will provide a chance to improve how participation requests are working. For instance, from our support and learning activity in this area, we know that more support and awareness raising is necessary to ensure a greater diversity of community groups can make participation requests.

**To stimulate further community influence and create the conditions for genuine co-production, mechanisms to deepen and audit implementation of the Act should be one of the options for legislation.**

**The local governance review process should explore how improvements to participation requests could be made.**

**The legislation and guidance should be strengthened in order that groups have meaningful involvement in outcome improvement processes once participation requests are granted.**

**An independent oversight function, including an appeals mechanism, is required.**

## 2. Participatory Budgeting

Participatory budgeting (PB) is relatively new in Scotland and is used internationally as a way for local people to have a direct say in how public funds can be used to address local needs.

PB is recognised as an approach to ‘... help improve the democratic process by widening participation and re-invigorating the role of local authorities, local councillors and civil society’. ‘It also has the potential to strengthen the community and voluntary sectors by increasing the number of people taking part in local democratic processes.’<sup>1</sup>

PB directly involves local people in making decisions on the spending and priorities for a defined public budget. It is a process of democratic deliberation and decision making, and a type of participatory democracy, in which ordinary people decide how to allocate part of a public budget. PB is about delivering interventions which are informed and influenced by communities where outcomes need to be improved.

Included in the 2016/17 programme for government was a commitment from Scottish Government to work in partnership with local government, to have at least 1% of local authority budgets subject to Community Choices budgeting (PB).

Since 2014/15, SG has invested £6.5 million through the Community Choices Fund with local authorities providing match funding of almost £1.5M.

The most recent analysis of Community Choices conducted by Scottish Government (2016/17) showed that £2,511,438 was distributed at 122 events held across Scotland. 19,017 people attended events to cast their votes and an additional 20,467 people voted online. 2058 community project ideas were submitted and 1349 were successful in being funded. Anecdotal evidence is that a high proportion of those people who cast votes had not previously participated in any democratic process. With subsequent Community Choices funding and funds released by local authorities for PB in 2017/18 and 18/19, we expect to see a significant rise in the statistics of people participating, and voting.

Scotland is currently moving towards a mainstream model of PB, with less focus on small grants distribution and more public voting on where local authority service budgets should be spent. More work is needed to ensure that those processes are transparent, accessible and genuinely democratic.

---

<sup>1</sup> CoSLA October 2017 Leaders Item 5

The development of a national charter for PB is in progress to help set out the principles of participatory democracy within which PB should be framed. At present, the 1% commitment is confined to local authorities, and it is not legally binding.

**The local governance review should consider legislating for 1% plus for all public budgets to be decided through PB processes, with compliance to an agreed set of standards for its implementation.**

### **3. Community Councils or an alternative model?**

One option for improving democracy at a local level is to breathe new life into community councils. Over 1200 community councils exist across Scotland, making them one of the most common and widespread forms of community organisation in the country. Their core purpose is to act as a bridge between representative democratic structures and local communities.

Potentially, they have a significant role to play in helping to take forward Scotland's evolving policy context around community empowerment and democratic renewal at a local level. SCDC and What Works Scotland (WWS) have jointly been carrying out research exploring how best to equip community councils to take on such a role.

Around 700 members of, and people interested in, community councils have taken part in the research. They have told us that, in addition to fulfilling their core purposes around ascertaining and expressing community views and being consulted on planning and licensing issues, community councils are involved in a myriad of aspects of community life, ranging from environmental issues to community safety.

Many community councils have already taken advantage of community empowerment opportunities such as participatory budgeting and participation requests. Our research highlighted an appetite for taking on more powers, including more formal integration into community planning, earlier consultation in planning processes, increased influence in local authority decision making and budgetary powers.

But community councils have also acknowledged the particular challenges they face. Our research highlighted that recruitment, community engagement, diversity and a lack of competitive elections are ongoing issues. Members feel under-supported and are concerned at being asked

to take on too many responsibilities as volunteers without adequate support and training in place. There is a mixed picture in terms of how community councils describe their relationship with statutory officials and elected members. Although examples of constructive partnership exist, many community councils feel their democratic role is undervalued.

Importantly, these issues interconnect. To be democratically legitimate, community councils need to have more competitive elections and a membership that better represents the diversity of their communities. At the same time, people are more likely to show an interest, and take part, in community councils if they are viewed as being more influential and effective.

We welcome recent discussions by WWS on the anchor concept, and the proposal on 'super anchors' made by Scottish Community Alliance. The anchor concept is key to ensuring that communities can consider issues in the round based on input from a wide range of groups and individuals, covering a range of issues. An effective community anchor process is essential to widening democratic participation in reaching decisions on local priorities.

Whatever model of local democracy is proposed through the local governance review, we advocate that any new democratic structure should have the following components:

- It needs to be celebrated and treated with a gravitas befitting its role, and it needs to be resourced accordingly. This includes staffing, training, capacity building support, administrative support and resources to meet access requirements.
- It must engage in ongoing dialogue with the communities it represents.
- Systems must be in place to include minority groups and those with protected characteristics as consistent with equalities act duties and human rights values.

**Any proposed legislation on revitalising community councils or creating a new democratic model, including an anchor model, should include requirements for competitive election.**

**New legislation should place duties on those bodies to meet the requirements of current and developing equalities and human rights laws, with appropriate resourcing.**

#### 4. Community-led action plans

For many years, communities the length and breadth of Scotland have been the subject of statutory-led planning processes but now the process of communities developing their own action plans is becoming more widespread through significant investment from Scottish Government and some support from local government.

Community-led action planning gives people an opportunity to start with what's important to them and set out what they think needs to happen to make sure that their communities are better places to live.

A robust and democratic community-led action plan should be:

- **Based directly on community needs and ambitions**, and on a detailed knowledge of the strengths that exist in communities to help achieve their aims.
- **Collaborative** – involving a wide range of people from the community and from the range of agencies and organisations that will be responsible for delivering at least some of the actions contained within the plan.
- **Open and inclusive** – all members of the community will have the opportunity to be actively involved in creating the plan and in contributing to its delivery and are supported to do so if required.
- **Flexible and responsive** – takes account of the changing nature of communities and reflects that as it develops.
- **Sustainable** – not constrained by political or other organisational planning cycles. This means that the community-led action planning process can continue for as long as is appropriate

The need for planning authorities to 'take account of' local place plans is a feature within the proposed planning legislation, currently making its way through Scottish Parliament. The proposed planning legislation also places new duties on planning authorities to engage with communities earlier in the planning process, and to align spatial planning with community planning processes.

It could be argued that there is a danger that legislation for local place plans could potentially conflict with or co-opt self-determined community-led action planning processes.

**The review of local governance should recognise the alignment of the proposed planning legislation with new proposals on local governance.**

**The local governance review could state the case for community-led action plans, or local place plans, to become one and the same thing and to act as a formal and democratic expression of community views and aspirations.**

**The idea of giving community-led action plans more status within statutory planning processes and spatial planning should be considered, i.e., legislating for public services to respond to community-led planning processes rather than the other way around.**

## **5. Other practical ideas in enabling participation**

Time is short for most people and enabling their democratic contribution needs to take account of this if increased democracy is to be deliverable. Work commitments, commitments as claimants, as parents, carers, or being involved in community organisations, all make demands on people's time, which mitigates against deeper democratic involvement.

If we are to expand the concept of public and community service to include active participation in building and maintaining participatory democracy we must find ways to help people address these barriers. The notion of making time for citizens to participate in enabling democracy should be advanced as should other actions to remove barriers to participation and volunteering.

**Measures to allow time off work or education for such activities should be explored.**

**Volunteering in such activities should not impact on benefits.**

**Utilising ideas of sortition to select those willing to serve on citizens juries and panels should be tested, alongside citizens assemblies for deliberation on major local or national service or policy change. Meeting access requirements and out of pocket expenses should be available as minimum.**

## **Final summing up**

We welcome Democracy Matters as an opportunity to improve democratic participation in Scotland.

New systems for devolving power and control to a more local level in Scotland should not only engender more democratic participation but will also allow communities to bring more influence to bear on the wider political and representative democratic system.

We would caution, however, that the ambition of Democracy Matters to help tackle inequality in Scotland should not be assumed to be the priority across all forms of existing community activity. Some community leaders and organisations either do not relate to this notion as a priority for practical action or have an incomplete understanding of equality issues and how they manifest. Many communities get active on more universally orientated issues such as environmental or local physical regeneration rather than in response to more complex social issues requiring targeted investment of scarce resources.

Learning for democracy should be at the heart of our culture, our education system and the way we think about Scottish society but, to nurture a democratic desire to deliver equality for all, ideas of mutuality and collective interdependence should be prominent in the Democracy Matters discourse as it progresses.

We also think it is important in the debate going forward that increased local influence for communities is not conflated with devolving responsibility to communities for resolving deeply embedded structural issues and social problems.

