

Scottish Local Government Reform: ERS Consultation Response Briefing

Electoral Reform Society Scotland, December 2018. For more information contact 07717211630 or mediaoffice@electoral-reform.org.uk

The following forms the basis for the Electoral Reform Society Scotland's new submission to the Scottish Government's consultation on reforming local government, 'Democracy Matters'.



ERS' work on local government

For the past five years, the ERS has been looking in-depth at ways to revitalise local government in Scotland.

Scotland has some of the lowest levels of local representation in Europe, with highly centralised structures for ostensibly 'local' democracy.

We have developed citizens assemblies and expert roundtables on local democracy, leading to Democracy Max's 'Vision for a Good Scottish Democracy' [2] in 2013.

The ERS' Democracy Max work showed that improving Scottish democracy would best start from the local up. We have continued to hold events and discussion around Scotland from then to now that inform these suggestions.

Over the past two years, we have partnered with Coalfields Regeneration Trust to run a series of nine successful deliberative community planning and participative budgeting events across three communities.

These sessions, which we had tried to broadly reflect the demographics of each area, produced five-year community action plans designed by and for the community with partial funding for elements of the plan.

We have led the 'Our Democracy' coalition to lead this 'Act As If You Own the Place' campaign, helping communities imagine in practice what genuinely *local* democracy would look like.

The Declaration on Local Democracy¹

Our process of civil society and a community engagement on the state of local democracy ranged from local community planning events to day long gatherings of interested community activists.

It culminated in a 'Declaration on Local Democracy' launched this June. It was shaped and formed by a long and extensive process of public and civil society involvement.

We launched this declaration at a major national conference – Democracy21 – which was attended by over 600 people committed to building a democracy fit for the 21st century.

It brought together citizens, activists, community groups, campaigns and unions to think about the challenges for democracy in the current political, social, and technological context and to attempt to collectively imagine the evolution of our current institutions and practice of democracy.

The Declaration is a further source of principles and values for the reform of Scottish Local Governance and we hope it informed many of the responses to this consultation.

¹ <https://www.electoral-reform.org.uk/latest-news-and-research/media-centre/press-releases/scottish-civil-society-launches-declaration-on-local-democracy-to-tackle-over-centralised-govt/>

The Declaration on Local Democracy in full

“Democracy is the right for people to decide how the place where they live is run. For a hundred years this right has built our communities, our society and our sense of justice. But too few people now believe that this right is being honoured, too few believe that they decide and too many believe they are powerless and voiceless. So we call for a new democracy which is ready to help us build for a hundred years to come.

“First, decisions must be made for each place, in that place by the people who live there. Our towns and villages must decide for themselves just as our nation must decide for itself. Power must exist at the scale of the community which is affected. We need our democracy much closer.

“Second, the right to decide should not disappear each time the brief flicker of an election is over. Delegating our right to decide is not, in itself, enough. We must create a democracy that involves us all the time, where citizens do not just choose rulers but shape the rules.

“Third, democracy must be powerful. The right to choose must be matched by the power to do – and the power to do must be matched with the resource to do it. Democracy is not gifted from above but from below, so power and resource must rest in the places where people live.

“This is our simple vision for our future; a truly local democracy, a truly participatory democracy and a truly powerful democracy.

“We have learned the lesson of our last hundred years; it is not enough that the future is built, it must be built for us. We must now learn a lesson for our next hundred years; it is not enough that the future is built for us, it must be built by us.”

Transforming local government: the ERS’ vision

As a direct outcome of all this work, the ERS has formulated a vision for local democracy in Scotland, built from years of consultation and community work.

The package of four reforms is as follows:

1. **Existing local authorities should become the new ‘top tier’ councils**, whose role is to enable new, statutorily-empowered community-level councils (‘development councils’) to function and thrive. Councils should have expanded revenue-raising powers to enable this to happen.
2. These new, more **local development councils would be able take action and improve local lives**, with communities opting establish these councils if they chose to do so.
3. These councils would establish a standing, **annual citizens assembly for that community**, picked by ‘sortition’ (akin to a jury system). This would design a **community vision/plan for the next three years**, with the ‘development council’ accountable to the citizens assembly on progressing this vision. These should be overseen by a reformed Elections Management Board.
4. **The right to genuinely local, democratic governance should be enshrined constitutionally.**

“Local government is in dire need of an overhaul if we are to reverse a decline in legitimacy and to create some feeling that local governance is done by the people, for the people.

“The current system of Local Councils and Health boards are limited by their large scale and distance from people and communities, so that there is no local identification or ownership felt by these institutions by citizens. This can and must change.”

The ERS has embraced the local democracy principles of the Convention on Scottish Local Authorities (CoSLAs) Commission [1].

Quotes

“A culture of democracy, sustainability and collective caring should be our objective for the development of Scottish Local Governance.

“The goal of new reform should be for the structures and institutions to gradually transform so that they are supportive and encouraging of the culture we seek to create – rather than institutions being something that make such a culture difficult.

“Scottish local governance operates within a very different context from the last time it was reviewed and changed. In 1995 there was no Google, Facebook or smartphones, and John Major’s Government was in power at Westminster.

*“People do not trust traditional leaders or institutions to explain or to lead the way forward, in the way that they might have done in the past. There is something inbuilt now in the way that our democracy has evolved that has made it operate much more in the interests of some than of others. **‘Local’ government has become an oligarchy.***

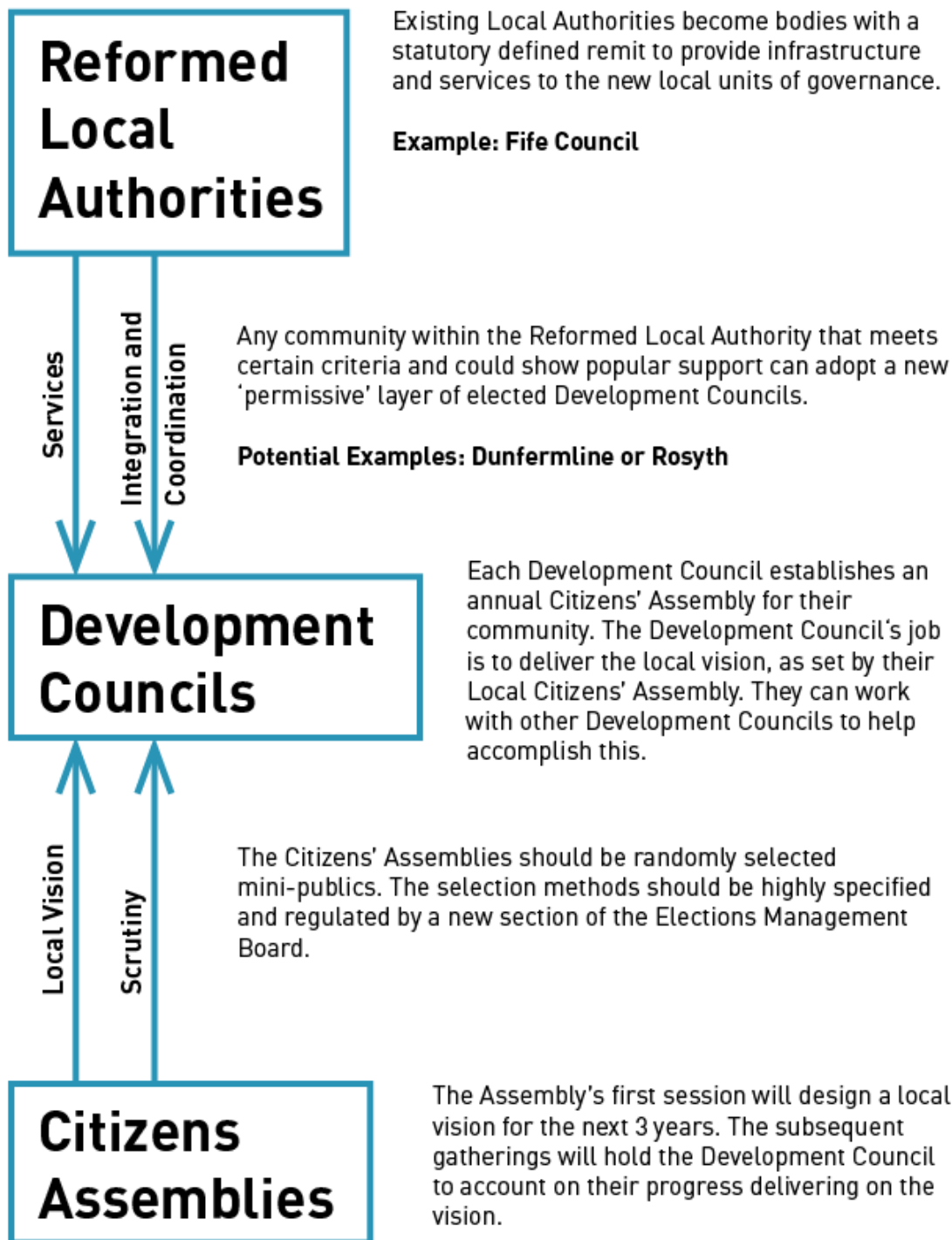
*“We should explore how to use technology to decrease bureaucracy and help decentralise power and to facilitate the time that citizens have together, face to face, in real places. This face to face contact is essential. **Meeting and debating via social media only and getting news and campaign message from online sources only has stoked the ‘dehumanisation’ of political debate and increased conflict.***

“We need to help our local institutions of governance transform themselves into ‘the new within the shell of the old’ – and we commend the government for carrying out the consultation in a new way, there was a real effort to involve people. The door is more open than it has ever been in the past.

“A culture that believes in the primacy of competition needs to be effectively and comprehensively challenged. It has led to large parts of civil space becoming ‘marketized’ often by legislation creating contractors and clients where they do not naturally occur. This has helped create an environment of scarcity and cost cutting, driving everything by price and cost so that time to properly work with people no longer exists.”

See next page for the ERS’ proposed structure for a revived local government.

Fig 1: Reformed Authorities, Development Councils and Local Citizens' Assemblies



What does local mean?

Communities should be trusted as far as possible to run their own places. This trust is important because it gives communities and individuals within them confidence and that agency may be a partial solution to some of the growing political and well-being problems in our society. It is known that an **active, involved sense of citizenship leads to much higher levels of reported well-being for the individual and for the community.**

We are broadly supportive of the ideas put forward by Commonweal in their report Development Councils. We do think the key to those new local institutions working would be their ability to collectively plan the development of those places both spatially and socially.

Our experience is that as much as possible a 'local community' should be self-defined both as an administrative unit and in the decisions and services that it wants to take for itself and to direct. This is probably going to be at levels of town and villages. We should be creative about designing an infrastructure that supports these communities. We must identify communities that are willing to try more local means of governing and sharing their experiences and learning.

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Notes

Find out about the Our Democracy coalition: <https://ourdemocracy.scot/>

[1] Seven principles of reform

1. **Sovereignty:** democratic power lies with people and communities who give some of that power to governments and local governments, not the other way around.
2. **Subsidiarity:** decisions should be taken as close to communities as possible, and local governance must be right shape and form for the people and the places it serves
3. **Transparency:** democratic decisions should be clear and understandable to communities, with clean lines of accountability back to communities
4. **Participation:** all communities must be able to participate in the decision making that affects their lives and their communities
5. **'Spheres not tiers of governance':** different parts of the democratic system should have distinct jobs to do that are set out in 'competencies', rather than depend on powers being handed down from 'higher' levels of governance
6. **Interdependency:** every part of the democratic system must support the others, and none can be, or should seek to be, self-contained and self-sufficient
7. **Well-being:** the purpose of all democracy is to improve opportunities and outcomes for the individuals and communities that empower it

[2] <https://www.electoral-reform.org.uk/wp-content/uploads/2017/06/Democracy-Max-A-vision-for-a-good-scottish-democracy.pdf>