



**COUNCIL EXECUTIVE**

**REVIEW OF LOCAL GOVERNANCE AND COMMUNITY EMPOWERMENT –  
PROGRESS REPORT**

**REPORT BY CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To inform the Council Executive of the ongoing work to progress the review of Local Governance in West Lothian, within the context of national developments regarding community empowerment.

**B. RECOMMENDATION**

- 1) To note the ongoing work associated with the Review of Local Governance and community empowerment within West Lothian
- 2) To agree that the Council continues to develop proposals for local implementation including:-
  - increased community empowerment in the context of co-production and the other approaches outlined within the Audit Scotland 'Principles for Community Empowerment', with communities working with public bodies to deliver positive outcomes.
  - revised governance and joint working arrangements with key partners with a focus on facilitating integrated preventative action.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The review has the potentially significant implications for legislation governing the delivery of public services in Scotland.
<b>III Implications for Scheme of Delegations to Officers</b>	None at present. Any agreed change to public service governance in Scotland may have implications for the Scheme of Delegation.
<b>IV Impact on performance and performance Indicators</b>	None at present. Any agreed change to public service governance in Scotland may have impact on performance and performance indicators.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None at present. Any agreed change to public service governance in Scotland may have implications for the Single Outcome Agreement.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None at present. Any agreed change to public service governance in Scotland may have implications for local authority budgets.
<b>VII</b>	<b>Consideration at PDSP</b>	Partnership and Resources PDSP 23 August 2019.
<b>VIII</b>	<b>Other consultations</b>	Initial engagement has taken place with partners, including Community Planning Partners, and community groups.

## **D. TERMS OF REPORT**

### **D.1 The Review of Local Governance**

The Scottish Government's Programme for Government contained a commitment to deliver a Review of Local Governance. The Scottish Government and COSLA launched the Review in December 2017 with a stated purpose of ensuring that local communities have more say about how public services in their area are run. The Review involved two separate strands. The first strand focused on how decisions are taken in communities. The second strand focused on how decisions are taken at the level of community planning partnerships and councils or more regionally.

West Lothian Council submitted proposals, agreed by the Council Executive at its meeting of 4 December 2018. These proposals covered four key themes:-

- 1) The Integrated Public Authority model and its benefits in terms of the democratic renewal principles, at the level of existing unitary authorities.
- 2) Decentralisation and devolution of decision making utilizing the existing powers conferred by the Community Empowerment (Scotland) Act 2015, communities of interest and existing communities of place (including Community Councils and Community Development Trusts) in preference to the establishment of a new tier of local governance, or new local bodies.
- 3) The further development of joint working and shared services as an alternative to 'regionalisation'.
- 4) An examination of existing legislation which hinders effective public service delivery and governance.

COSLA also submitted proposals to the Review, following engagement with all member Councils, proposing approaches to governance, powers, accountabilities and ways of working which could improve outcomes, reduce inequalities and improve local democracy. COSLA proposed action in three broad areas - community empowerment (relating to the first strand of the Review), functional empowerment (relating to the second strand of the Review) and fiscal empowerment. COSLA's key proposals are:-

- A power of general competence for Councils
- A legal duty to promote subsidiarity across all public bodies,
- Allowing local democratic accountability for all public authorities
- Allowing Councils to request to collaborate and integrate with other public bodies.
- New powers to allow the transfer of responsibilities and competences to local communities, including Community Councils where appropriate and desired.
- Allowing an asymmetric approach.
- A fiscal framework analogous with that between the UK and Scottish Government, rebalancing the relationship and providing greater transparency.
- Removal of all ring fencing.

## D.2. Joint Statement on Local Governance

The Scottish Government and COSLA issued a Joint Statement on 17 May 2019, following analysis of the responses to the public engagement phase of the Review. The public engagement phase covered the two strands of the Review. Over 4000 people from diverse communities across Scotland were involved in the Democracy Matters conversation. Over 40 public sector partners, including councils and Community Planning Partnerships made submissions. Two reports, containing analysis of the two strands, were also published.

The Joint Statement commits the Scottish Government and COSLA to continuing to work together “to further empower local communities and councils across Scotland”, to “create a system of accessible, community led decision making.”

The Scottish Government had initially intended to legislate on this matter within the lifetime of the current parliament. The Joint Statement has now indicated that this will not happen.

In relation to the first strand, the large majority of respondents were in favour of greater community control over the decisions which most affect communities. In relation to the second strand, there was a consensus across the majority of responses that there is no desire to restructure Local Government. The Joint Statement issued by the Scottish Government and COSLA does not, however, make any detailed proposals in relation to how the review will now progress. A Local Governance Review Newsletter states that the information in the two analysis reports, covering the two strands of the Review, will guide the Scottish Government and COSLA as to what happens next. This would involve further engagement with communities to ‘test new arrangements which put communities in control’.

COSLA continues to discuss the Review of Local Governance with the Scottish Government, and is keen to ensure that functional empowerment is pursued alongside, and at the same time as, community empowerment and fiscal empowerment. The Scottish Government has indicated that this will be the case, and has confirmed that the review is intended to impact on all public bodies in Scotland and not just local government.

Within West Lothian, officers have begun to develop proposals for local consideration. These include increased community empowerment in the context of co-production, with communities working with public bodies to deliver positive outcomes, and revised governance and joint working arrangements with key partners with a focus on facilitating integrated preventative action.

### D.3 Developments in Community Empowerment

Community engagement seeks to gather the views of communities so that they will have a voice in service design and delivery. Community empowerment seeks to build on existing practice in relation to community engagement, but with the aim that communities will become more involved, not just by expressing a view, but by working together with public bodies to address issues of common concern.

West Lothian Council has an established track record of engagement with individuals and communities, including consultation on policy and budget setting, and work by council officers such as the Communities Team which facilitates Locality Planning and supports young people, families and older people to participate in community and council forums. The team also ensures that Voluntary Sector is informed of council policy and has the opportunity to shape service development. The council supports Community Councils by supporting communities in their formation, and has recently agreed to recognise and work with the Joint Forum of Community Councils in West Lothian. Individual council services work closely with service users and their representatives, for example tenants through the Tenants Participation Strategy, and Parent Councils.

Prompted by the Review of Local Governance, officers have commenced an examination of community empowerment and how it may be applied within West Lothian. These have included examinations of national and local developments in Participation Requests, Participatory Budgeting and Asset Transfer; models of co-production, where these have led to improved outcomes for residents; and the development of a volunteering strategy for West Lothian Council and the wider community.

The Strategic Scrutiny Group, comprising the Accounts Commission, Audit Scotland, and the inspectorates regulating public bodies, published 'Principles for Community Empowerment' in July 2019. The document is focused primarily on the scrutiny of community empowerment, but it is suggested it may be used as a tool by public bodies as they develop their own approaches to community engagement.

The Group makes clear that "community empowerment should not be considered as an add-on or separate to other work, but part of a new way of working. It can help public bodies to manage the pressures they are facing by supporting communities and working with community groups to support each other in meeting the needs of communities."

The Group recognises that there are a wide range of activities which can contribute to community empowerment, including partnership working with community led organisations; community participation in decision making; asset transfer, participation requests and participatory budgeting; community planning; and engagement in terms of the National Standards for Community Engagement. It suggests that “public bodies should also be finding ways of involving communities more in the design and delivery of services. In a co-production approach, public bodies and communities work together to define the issue, co-design the best response, and co-deliver using all available public body and community resources and assets. This represents a greater shift of power to local decision making.”

The report sets out potential benefits and risks of community empowerment activities, and examples of good practice. It covers a range of approaches, and provides case studies including on a citizens’ assembly; a community planning partnership based approaches to working together with young people working together to tackle anti-social behaviour and crime; participatory budgeting; place based working where communities, councils, businesses, the NHS and the third sector worked together to identify priorities and actions (similar to the charrette approach previously used within West Lothian); and a community controlled housing association.

#### D.4 Discussions with Partners and Community Groups

Officers have held initial informal discussions with partner organisations and also some community groups to discuss the possibility of pursuing community empowerment on a partnership basis, and introducing improved governance within West Lothian with a focus on facilitating integrated preventative action.

These initial discussions have been positive in nature, with agreement to the benefits of exploring revised governance and joint working arrangements with a focus on preventative action, and also to exploring community engagement arrangements on a partnership basis.

### E. **CONCLUSION**

The Joint Statement issued by COSLA and the Scottish Government stops short of proposing specific action, but makes clear that the direction of travel is one of more devolution of decision making to communities, and the expectation that Local Authorities will facilitate and champion this.

In the absence of firm guidance at this stage, the opportunity exists for West Lothian Council to continue to develop proposals for local implementation including:-

- increased community empowerment in the context of co-production, and the other approaches outlined within the Audit Scotland ‘Principles for Community Empowerment’, with communities working with public bodies to deliver positive outcomes.

- revised governance and joint working arrangements with key partners with a focus on facilitating integrated preventative action.

The Council Executive is invited to endorse this approach.

## **F. BACKGROUND REFERENCES**

Review of Local Governance – Report by the Chief Executive to the Council Executive 4 December 2018

“Community-Level Decision Making: An Analysis of Responses to Democracy Matters.”

<https://www.gov.scot/binaries/content/documents/govscot/publications/publication/2019/05/local-governance-review-analysis-responses-democracy-matters/documents/community-level-decision-making-analysis-responses-democracy-matters/community-level-decision-making-analysis-responses-democracy-matters/govscot%3Adocument/community-level-decision-making-analysis-responses-democracy-matters.pdf>

“Local Governance Review – Report Summarising the Main Themes emerging from the Strand 2 Consultation”

<https://www.gov.scot/binaries/content/documents/govscot/publications/publication/2019/05/local-governance-review-analysis-responses-ask-public-sector-organisations-outline-alternative-arrangements-public-service-governance/documents/local-governance-review-report-summarising-main-themes-emerging-strand-2-consultation/local-governance-review-report-summarising-main-themes-emerging-strand-2-consultation/govscot%3Adocument/local-governance-review-report-summarising-main-themes-emerging-strand-2-consultation.pdf>

Strategic Scrutiny Group - “Principles for Community Empowerment”

[https://www.audit-scotland.gov.uk/uploads/docs/report/2019/briefing\\_190725\\_community\\_empowerment.pdf](https://www.audit-scotland.gov.uk/uploads/docs/report/2019/briefing_190725_community_empowerment.pdf)

Appendices/Attachments: None

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Date of Meeting – 10 September 2019