



**COUNCIL EXECUTIVE**

**REVIEW OF LOCAL GOVERNANCE**

**REPORT BY CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To inform the Council Executive of the Review of Local Governance, being undertaken jointly by the Scottish Government and COSLA, and to make proposals in relation to West Lothian Council's participation in the Review.

**B. RECOMMENDATION**

1. To note the ongoing Review of Local Governance being led jointly by the Scottish Government and COSLA
2. To consider the contents of this report and agree their submission to COSLA and the Scottish Government
3. To note that officers will continue to work with COSLA in the development of a national Local Authority position

**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>	<p>The review has significant implications for legislation governing the delivery of public services in Scotland. The Scottish Government has stated that it intends new legislation (the 'Local Democracy Bill') within the lifetime of the current parliament.</p> <p>Environmental, equality, health and risk assessments may be necessary in relation to any specific proposals for change which are developed.</p>
<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.

- V Relevance to Single Outcome Agreement** None at present. Any agreed change to public service governance in Scotland may have implications for the Single Outcome Agreement.
- VI Resources - (Financial, Staffing and Property)** None at present. Any agreed change to public service governance in Scotland may have implications for local authority budgets.
- The potential for divergence in local governance arrangements, and the establishment of asymmetrical governance structures, would require national consideration of how fair funding formulas could be devised to support such arrangements.
- VII Consideration at PDSP** 13 November 2018. In discussion comments were made relating to the potential for asymmetrical governance arrangements in different parts of the country in response to different local conditions, and differences in current structures, and the requirement of a new funding framework to support potential asymmetrical governance arrangements. These comments have been reflected in the report. The PDSP also considered examples of how the suggested increased range of functions for an Integrated Public Authority would work in practice, and the benefits that would result from this approach.
- VIII Other consultations** Corporate Management Team

**D. TERMS OF REPORT**

**D1 Introduction**

The Scottish Government's Programme for Government contains a commitment to deliver a Review of Local Governance. The Scottish Government and COSLA launched a Local Governance Review in a joint announcement on 7 December 2017. The stated purpose of the Review is to ensure that local communities have more say about how public services in their area are run.

The Review is intended to "strengthen local decision making and democratic governance in ways that improve outcomes in local communities, grow Scotland's economy for everyone's benefit, support communities to focus on their priorities, and help new ideas to flourish." It will reflect the principle that 'one size fits all' will not meet the needs of Scotland's diverse communities. The Review will cover services provided currently at both local and national level, and how powers, responsibilities and resources are shared between national and local spheres of government and with communities. It will involve extensive community engagement, and consultation with the third and private sectors.

The Review will involve two separate strands. The first strand will focus on how decisions are taken in communities. The second strand will focus on how decisions are taken at the level of community planning partnerships and councils or more regionally. This second strand will involve the Scottish Government inviting city regions, regional groupings, individual local authorities, Community Planning Partnerships and other public sector organisations to propose place specific alternative approaches to governance, powers, accountabilities and ways of working which have the potential to improve local outcomes and drive inclusive economic growth.

Proposals could include 'differently devolved' powers and functions, and new public service arrangements (eg single public services or regional collaborations) where there is a democratic mandate for doing so. The Scottish Government and COSLA have indicated that they will not be bound by a 'one size fits all' approach. This could lead to an asymmetry of governance arrangements, with different solutions agreed in different parts of the country in response to agreement of differing local need. For example it may be more appropriate to pursue decentralisation of decision making in some local authority areas; in others it may be appropriate to pursue greater joint working.

All changes proposed will be tested against democratic renewal principles:-

- Subsidiarity and Local Decision Making
- Simple Open Democracy
- Personal and Empowering
- Fairness and Equality of Outcome
- Financially Sustainable and Preventative

An enabling group has been set up jointly by COSLA and the Scottish Government to undertake and report on both stages of the Review. A joint oversight group, comprising ministers and the COSLA presidential team, will ensure joint political oversight. The Scottish Government has stated that it intends new legislation (the 'Local Democracy Bill') within the lifetime of the current parliament.

On 28 May 2018 Scottish Ministers, COSLA and the Scottish Community Alliance launched jointly the 'Democracy Matters' conversation, the stated aim of which was to identify new legal rights for communities which would place them at the heart of decision-making. This conversation is part of the first strand of the Review. The conversation will run for approximately six months, ending around November 2018. As part of the conversation process, people are being invited to consider a short set of questions on shaping local democracy, and supporting materials have been produced. These are available at <https://beta.gov.scot/policies/improving-public-services/local-governance-review/>

These questions invite respondents to consider what 'local' means to them, existing local level decision making, control of decision making by local communities or communities of interest, their own experience of getting involved in decision making, and also provide an opportunity to submit ideas.

Scottish Ministers and COSLA have asked public sector organisations to submit initial comments as the first stage of the second strand of the Review.

## **D2 Draft Proposals**

An officer group has been established by the Chief Executive to produce draft proposals for the consideration of members.

Initial consideration by officers has centered on 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 utilising the existing powers conferred by the Community Empowerment (Scotland) Act 2015, communities of interest and existing approaches and 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

In relation to the Integrated Public Authority model, initial thinking has been concentrated on the themes of:-

1. community safety (involving police, fire and rescue, housing, education)
2. economic development (involving Scottish Enterprise, Skills Development Scotland, the college sector, education, Visit Scotland and potentially Scottish Water)
3. health and wellbeing (involving social policy and health)
4. an anti-poverty service (involving council revenues, benefits, grants etc., and aspects of the local delivery of national benefits)

Local residents influence decisions through the democratic process which ensures that locally elected representatives are accountable for their actions and decisions. Bringing a greater range of public functions under the democratic oversight of local government could increase local control over decisions, increase the accountability of public services to the local communities they serve, and foster a greater sense of connection between the service and local community.

The continuation of national bodies to set strategic direction is supported, with local authorities maximising the co-ordination, responsiveness and accountability of a wider range of public services to local conditions and priorities. At a local authority level, the need to ensure continuation of strategic local oversight when introducing further devolution of decision making is also recognised.

In relation to joint working, an enhanced role for COSLA in promoting and facilitating joint working, along the lines of that played by local government bodies in England and Wales, may help ensure that local authorities can secure some of the perceived benefits of regionalisation without losing accountability, and that this aspect of reform remains within the democratic control of local authorities.

## **D3 The Integrated Public Authority**

West Lothian Council, in its response to the Scottish Parliament's Justice Committee call for written views on its post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012, as approved by the Council Executive at its meeting of 15 May 2018, proposed that police and fire and rescue services should become part of a 'single public authority' for West Lothian.

A 'single public authority' is a single tier unitary authority responsible for a full range of government functions within its area. This could include current local government functions, some functions currently undertaken by the Scottish Government through other public bodies, and may even include some functions not currently devolved by the UK government.

The Scottish Government itself is not a Single Public Authority for the nation, as some powers are reserved to Westminster. The Single Public Authority may not suit the delivery of all public services. This may be the case where it is perceived as unlikely that agreement can be reached to give local authorities complete control of a service, or where there would be a significant risk of locating responsibility for a service at local authority level. Other forms of enhanced local governance may allow West Lothian council to improve outcomes as an Integrated Public Authority through a mixture of increased responsibility for some additional functions and increased influence over others, with fewer requirements for structural, legal or legislative change.

It is proposed that existing local authorities should be strengthened as Integrated Public Authorities for their area, recognising that local authorities are unlikely to take on all public service delivery functions, and thus are not likely to become full Single Public Authorities. The concept of an Integrated Public Authority may best be seen in this context as a move towards a strong, democratically elected, responsive and representative body responsible for co-ordinated and joined up planning and service delivery across a wider range of functions than currently fall within the remit of local authorities.

It would be distinct from partnership working, as exemplified by the Community Planning Partnership, where each partner retains their distinct organisational identity, although some aspects of decision making are co-ordinated. The Regional Improvement Collaborative (Education) and Integration Joint Board (Social Policy and Health) are also examples of a co-ordinated or joint decision making approach, rather than organisational integration at an operational level.

In contrast, the Integrated Public Authority model would see stronger integration, including full incorporation of some additional public functions within the Integrated Public Authority, and greater influence over other functions through enhanced responsibility with legislative backing. This may be achieved, for example, by local authorities producing a local plan for services they do not provide directly, and an enhanced scrutiny and representative role for local authorities and local elected members for services they do not provide directly. The Integrated Public Authority approach recognises, therefore, the community leadership of democratically elected local government and its members.

The concept of an integrated public authority can be tested against democratic renewal principles. It fits well with the desire for subsidiarity and local decision making. It is compatible with the need to take account of both strategic and local priorities at a national and local authority level. For many functions a body responsible for strategic national policy is necessary and desirable, but local delivery could best be tailored to the needs and expressed desires of a local population by local delivery of services through local authorities.

It fits well with the desire for a simple open democracy. Local provision, management and policy development in relation to services currently delivered through a variety of arrangements presents an opportunity to declutter the complex public sector landscape. Moving towards an Integrated Public Authority based on current local authorities could bring more direct democratic oversight to a wider range of bodies. The result will be less confusion and greater local accountability for local service users.

The concept of an integrated Public Authority fits well with the desire for personal and empowering services. The opportunity to build an even more co-ordinated and joined up planning and delivery framework, building on the successes of Community Planning, could provide services more responsive to local need and therefore more empowering of the local population. The defining feature of local authorities is their democratic accountability. Local elected members are accessible, and will ensure services provided are relevant to local residents. Elected members play an important role in consulting and representing their constituents, helping to ensure that service provision is personal and empowering. Extending the range of services which can be brought under this democratic and representative influence could, in these ways, benefit communities.

An Integrated Public Authority could use its ability to coordinate the actions of an increased range of public services in order to improve outcomes, in particular in relation to mitigating the negative impacts of socio economic deprivation. West Lothian Council has put tackling the negative consequences of socio-economic deprivation at the centre of its service provision through its Anti-Poverty Strategy, and extending the range of services which can be brought under this strategic influence would benefit communities.

A financially sustainable future for local service provision, based on a preventative approach, could be aided by the Integrated Public Authority approach. The Community Planning approach has strengthened the alignment of planning functions and the prioritisation of resource commitment amongst public bodies in each local authority area in Scotland. However, opportunities exist for this approach to be extended and strengthened, building on good progress made by the Community Planning Partnership (for example, in relation to the Anti-Poverty Strategy).

The Integrated Public Authority can be seen, therefore, to score strongly against the democratic renewal principles.

The Integrated Public Authority Approach would simplify governance across public services in ways which could both achieve greater clarity for citizens, and lead to efficiency savings and improved effectiveness. For example, it would facilitate:-

- A single local performance framework for an increased range of public sector services, aligned to the national Scotland Performs framework.
- A single complaints system for an increased range of public sector services, with greater capacity to address cross-cutting issues, with a single ombudsman, further decluttering the public sector landscape.

- Single points of contact for an increased range of public sector services, including local contact centres, and local information portals providing details of an increased range of services within a local area
- Reduction in duplication of resources through unified management and enabling services, and eradication of gaps in resources through unified planning

An Integrated Public Authority approach can therefore bring a range of benefits including:-

- Citizen/customer benefits, including quality of service and improved outcomes
- Efficiency/managerial benefits, including quality of financial and performance management
- Benefits of democratic legitimacy and accountability, and the representative and consultative role of elected members

Three existing and proposed pieces of legislation provide examples of how a move towards establishing an Integrated Public Authority could occur.

Certain Community Planning Partners (Local Authority, Health, Police, Fire and Rescue and Scottish Enterprise) may jointly request the establishment of a Corporate Body to deliver functions relating to Community Planning (Section 17 of the Community Empowerment (Scotland) Act 2016). This could provide an existing legislative path towards the delivery of joined up local services by an Integrated Public Authority within a local authority area. This could facilitate enhanced planning (a local 'Wellbeing Plan') of a sort envisaged by Community Planning powers, and Community Safety joint working, but not yet fully realised due to the difficulty of aligning the corporate strategies, priorities and resource allocation of multiple organisations. An example could be combining more effectively crosscutting elements of Police, Fire, Health, Housing and Education amongst others to reduce the negative impact of drugs and alcohol across a range of outcomes.

The Islands (Scotland) Act 2018 includes a provision for islands councils to make additional powers requests, which would allow these local authorities to request that additional functions, duties and responsibilities are transferred to the authority. Local authorities would be required to demonstrate reasonable cause for making a request, and Scottish Ministers would be required not to unreasonably refuse to grant the request. If enacted, this legislation could then form a template for a move towards the Integrated Public Authority model in other local authority areas if its provisions were extended to cover the whole of Scotland.

The Transport (Scotland) Bill, as introduced, also includes provisions relevant to the Integrated Public Authority model. The Bill would enable councils to put in place a 'bus service improvement partnership plan', setting out policies relating to local services and objectives to be met with regard to quality and effectiveness. It would enable councils to put in place a 'partnership scheme' imposing one or more service standards in relation to the quality and effectiveness of local services. Operators of services would be required to comply with these standards. Councils could join together to make joint partnership plans and schemes. This model, where local authorities receive enhanced powers to plan and set standards for services they do not deliver directly, could be extended to other areas of service delivery.

#### **D4 Devolution of Decision Making**

A wide range of structures and processes to devolve decision making already exist and are being utilised by West Lothian Council. These could be built on and developed to support greater levels of community decision-making across public services and to strengthen local democracy. The development of these structures and processes could provide an alternative mechanism for devolution of decision making to the establishment of a new tier of local government. Some of the arguments in support of this proposition are set out below.

A single level of local government, as represented by the current elected unitary authorities, may be the best way of ensuring effective democratically led local governance below the level of the Scottish Government. The delegation of decision making powers below the level of the current unitary authorities may have disadvantages, including the loss of a strategic approach and the fragmentation of policy application and professional oversight. This could have the consequence that local authorities would find it harder to ensure that services remain aligned with its local priorities, determined following extensive community engagement and as a result of robust democratic process. It could also make it harder to ensure that services contribute to wider public policy goals set by the community planning partnership and at a national level.

The introduction of an additional tier of local governance could give rise to conflicts of democratic mandate. It would be likely to increase confusion regarding responsibility and accountability for services rather than decrease it, and so may be seen to be contrary to the requirements of simple, open democracy.

The Community Empowerment (Scotland) Act 2015 introduced a range of new powers to improve community engagement, which have yet to be fully developed. These include Participation Requests which allow community groups to request that local public organisations work with them to improve a service; Asset Transfer Requests which allow community groups to buy, rent or take over any land or buildings owned or rented by public bodies; and Participation in Public Decision Making and Participatory Budgeting which will require public authorities to publicise and support the involvement of the community in the decisions and activities of the authority, and allow local people to have a direct say in how, and where, public funds can be used to address local need. It is proposed that these powers should continue to be fully developed and applied.

Utilising a partnership approach, West Lothian Council has worked closely with community groups and third sector organisations to gather views about how specific areas, including Fauldhouse and Whitburn, should change and to form proposals. This approach has supported direct and intensive community engagement, with a specific purpose in mind, without the need for the creation of a permanent local structure. Community Councils and Community Development Trusts are existing community based organisations which also facilitate community engagement. It is proposed that existing partnership working with existing local structures be strengthened, for example by increased involvement of the emerging Joint Forum of Community Councils in Community Planning Partnership decision making.

When considering the concept of devolution, geographic devolution is often the first or only option considered, but there are alternative methods by which effective and meaningful community empowerment could be pursued. These include communities of interest. The 'Democracy Matters' conversation is itself an excellent example of public bodies, in partnership, seeking the involvement of a 'community of interest' which has some knowledge of or interest in local governance.

Community empowerment in relation to development of any particular public service, for example bus services, cycling, recycling, childcare or anti-social behaviour where responses are sought from geographic communities risks setting these communities against each other with the main focus becoming where investment should be made. Consultation with communities of interest across geographic areas may better allow development of proposals for service delivery which will bring the greatest benefit to all service users and potential service users across all communities.

It would be possible to combine the promotion of 'communities of interest' with geographic consultation. This could take the form of thematic consultation aimed at improving service provision across West Lothian, but also taking account of the aspirations of its constituent communities. Local forums, open to all residents, could be held in each ward to discuss and make proposals, in advance of the major decisions the council takes, Local forums could also be used to discuss issues of specific interest to a particular area. It is proposed that the council's practice in relation to consultation should be broadened to include the involvement of communities of interest through ward-based local forums.

## **D5 Joint Working/Shared Services**

The promotion of joint working and shared services between local authorities may be seen as an effective way of realising some of the benefits which may accrue from larger local government units, without losing the local connections established by current local authorities, and whilst avoiding complex, time consuming and expensive re-organisations. An enhanced role for COSLA and the Improvement Service in promoting and facilitating joint working, along the lines of that played by local government bodies in England and Wales, may help ensure that local authorities can secure some of the perceived benefits of regionalisation without losing accountability, and that this aspect of reform remains within the democratic control of local authorities.

The Joint Agreement on Education Governance reached between COSLA and the Scottish Government may form a model of enhanced joint working between local authorities, which retain their autonomy and accountability for service delivery and improvement.

The joint working/shared services approach may give rise to concerns about lack of accountability. The tensions between on the one hand promoting an Integrated Public Authority approach based on the democratic renewal principles, and promoting greater joint working and shared services will require sensitive management to ensure that work to “strengthen local decision making and democratic governance in ways that improve outcomes in local communities, grow Scotland’s economy for everyone’s benefit, support communities to focus on their priorities, and help new ideas to flourish” through an Integrated Public Authority approach is not then undone by complex joint arrangements which could be seen to weaken accountability. Transparent Joint Committees may address this tension.

## **D6 Suggested legislative changes to facilitate the review of local government**

The Review of Local Governance provides an opportunity to examine legislation which is hindering effective public service delivery, and governance. Examples include:-

- 1. Education.** Integrated Public Authorities should retain the lead role for determining school funding and planning for improvement, including taking a strategic overview for expenditure resulting from Pupil Equity Funding and the Scottish Attainment Challenge to reduce instability and inconsistency of outcome. The multi-agency working to facilitate GIRFEC should be at local authority level. Although the proposed Education Bill is not being progressed at present, Ministers have reserved their position on future primary legislation. Early Learning and Childcare should be delivered and provisioned at Integrated Public Authority level to ensure curricular continuity and best value, and to facilitate multi-agency working as part of integrated GIRFEC approach. Consideration should be given to a change in emphasis from statutory entitlement to a duty for statutory provision by Integrated Public Authorities.
- 2. Housing.** Change should be made to housing legislation to ensure that Registered Social Landlords share the statutory responsibility to address homelessness which currently falls uniquely on local authorities.
- 3. Transport.** Maximum use should be made by Integrated Public Authorities of legislation on integrated passenger transport, sustainable transport and active travel, and forthcoming legislation regarding provision and regulation of bus services through partnership, franchising and municipal provision, decriminalised parking and low emissions zones, including commercialisation where appropriate.
- 4. Waste.** The “polluter pays” principal should be extended to levies on companies which produce waste, reducing the financial burden on Integrated Public Authorities. Controlled Waste Regulations, similar to those in force in England and Wales should be adopted which compel householders to comply with the requirement to recycle, and allow fixed penalty notices to be issued for non-compliance. The Waste Scotland Regulations should be amended to allow more cost effective and simpler methods of collection of different categories of waste.

5. **Planning and Development.** Planning legislation should ensure that the planning system is genuinely plan led. Recommendations from the Local Development Plan Examination should be 'recommendations' rather than 'directions'. The right of appeal against refusal of planning consent should be removed where the council's decision is in accordance with the Local Development Plan. A single application process should cover a range of statutory functions including planning permission, advertisement consent, road construction consent etc. The budgets of infrastructure providers should be regulated to ensure that they are focused on promoting sustainable economic growth and delivering the right infrastructure in the right place at the right time.
6. **Commercial Approach.** Change should be made to legislation to allow Integrated Public Authorities to take on a greater commercial approach to providing services, including road construction and maintenance and waste collection, in line with that increasingly being adopted elsewhere. There are risks to this approach, however, including financial loss if it is not profitable.
7. **Finance.** Integrated Public Authorities should be given more powers for to set and raise funding locally, such as local control of non-domestic rates, potentially other property taxes such as land value tax, visitor taxes. Local authorities should be given more power to spend locally without restrictions relating to funding. Ring-fenced funding should be reduced, and Integrated Public Authority performance should be evaluated on outcomes.
8. **Compulsory Purchase Orders.** Legislative change should make the Compulsory Purchase Order (CPO) process simpler and quicker where the Integrated Public Authority can demonstrate that the CPO is necessary to deliver a significant part of the overall development plan strategy, or in the public interest. Consideration should be given to allowing an Integrated Public Authority to retain an element of the uplift in the value of the site, or in any surrounding master-planned area, resulting from the CPO.
9. **Benefits.** Legislative change by the UK government should facilitate information sharing with HM Revenues and Customs which could assist collection of local taxes including council tax, and also assist determination of eligibility for benefits, grants and allowances.

## **D7     The Legal Framework**

Local authorities are subject to legal rules about their functions which will inevitably be an obstacle to significant change and innovation in local governance arrangements. Every function carried out by local authorities comes with its own set of rules and conditions and restrictions. Those often prove to be constraints on innovation and partnership working and go beyond the control framework any statutory body requires in its activities. Ways to relax those restrictions on a case-by-case basis should be explored. More generally, local authorities interact with central government, with communities, with other public bodies, with the private sector and amongst themselves. They will require versatile and adaptable rules about how they work with that range of partners and stakeholders.

Traditionally, internal decision-making is through committee and council meetings of elected members, and through council officers given appropriate powers. There are restrictions on how many non-councillors can be members of committees and the type of business that they can take part in. Bringing representatives from partners and stakeholders to the table and giving them a meaningful say in decisions would require those rules to be changed.

Externally, councils may delegate their functions to another council, or can enter into joint committee arrangements. There are legal rules about joint committee membership and the type of business non-council representatives can take part in. Joint committee arrangements can only be made amongst councils. Those restrictions require to be relaxed to allow councils to progress and build relationships with their stakeholders.

Councils have a more general power to utilise, the power to advance well-being. It is however bound up in conditions and restrictions and guidance that are significant chilling factors in the imaginative use of the power. Those restrictions should be eased to let the power be used as originally envisaged. It could be extended in a more significant way to a power of general competence – to do anything lawful for the benefit of the community where it can be shown to secure best value and advance its well-being.

Community planning legislation allows the establishment of a distinct legal body amongst community planning partners for the better delivery of community planning functions. It is though limited to those partners and those functions and it is tied up in a statutory process requiring agreement amongst designated partners and consent from Ministers. It does represent an advance on traditional arrangements but still comes with conditions and restrictions and procedures which act as barriers to its use.

Local government has been subject to different working arrangements imposed by legislation. Examples are the Regional Improvement Collaboratives in education and the integration of health and social care. Although the council is participating fully in these new arrangements, statutory impositions are not the hallmark of true partnership working between central and local government.

The Islands (Scotland) Act 2018 contains examples of where changes might be made using models which have already been debated and legislated for, including the process of “islands-proofing” and the right to make application to the Ministers for additional powers to be devolved.

Changing these rules should not be the driver of change in local governance arrangements. Those rules should be driven by the aspirations and outcomes which emerge from the consultation process. However, their significance should not be overlooked.

## **E. CONCLUSION**

In conclusion, West Lothian Council’s draft proposals are made up of 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 approaches and 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

In relation to the Integrated Public Authority model, West Lothian's thinking has been concentrated on the broad functions of:-

1. community safety (involving police, fire and rescue, housing, education)
2. economic development (involving Scottish Enterprise, Skills Development Scotland, the college sector, education, Visit Scotland and Scottish Water)
3. health and wellbeing (involving social policy and health)
4. an anti-poverty service (involving council revenues, benefits, grants etc., and aspects of the local delivery of national benefits.)

The proposals contained within this paper are in accordance with the democratic renewal principles of:-

- Subsidiarity and Local Decision Making
- Simple Open Democracy
- Simple Open Democracy
- Personal and Empowering
- Fairness and Equality of Outcome
- Financially Sustainable and Preventative

The proposals can also be judged against the principles underpinning The Commission on the Future Delivery of Public Services (the 'Christie Commission'). The Commission identified a set of principles to inform reform of public service delivery:-

- Reforms must aim to empower individuals and communities receiving public services by involving them in the design and delivery of the services they use
- Public service providers must be required to work much more closely in partnership to integrate service provision and thus improve the outcomes they achieve
- Expenditure on public services which prevent negative outcomes must be prioritised

- The whole system of public services – public, third and private sectors – must become more efficient by reducing duplication and sharing services wherever possible

The aspects of public service delivery prioritized for inclusion in an Integrated Public Authority in West Lothian Council's draft proposals address the Christie principals directly:-

- The Integrated Public Authority, at the level of existing unitary authorities, will increase the integration of public services currently provided by separate bodies and thus improve the outcomes they achieve
- 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) will empower individuals and communities receiving public services by involving them in the design and delivery of the services they use
- The further development of joint working and shared services as an alternative to 'regionalisation' will result in more efficient public services by reducing duplication and sharing services wherever possible
- The themes of community safety, economic development, health and wellbeing and the establishment of an anti-poverty service have, at their core, the philosophy that expenditure in these areas can prevent negative outcomes, for example in crime, unemployment, poor health and poverty

The proposals in this paper are designed to strengthen local decision making and democratic governance in ways that improve outcomes in local communities, grow Scotland's economy for everyone's benefit, support communities to focus on their priorities, and help new ideas to flourish, in line with the approach adopted jointly by the Scottish Government and COSLA.

The Council Executive is invited to note and consider the draft proposals contained in this report for submission to the Scottish Government and COSLA, representing the Council's position at this stage of the Review process. COSLA will develop a national local government position based on the council responses submitted. There will be further stages in the Review process prior to any firm legislative proposals being made.

## **F. BACKGROUND REFERENCES**

Review of Local Governance - <https://beta.gov.scot/policies/improving-public-services/local-governance-review/>

Appendices/Attachments: None

Contact Person: Andrew Sneddon, Business Transformation Lead, Business Transformational Change Team.

Graham Hope, Chief Executive

Date of meeting: 4 December 2018