

EAST RENFREWSHIRE COUNCILWednesday 12 September 2018Report by Deputy Chief ExecutiveLOCAL GOVERNANCE REVIEW**PURPOSE OF REPORT**

1. To seek approval for a Council response to the Local Governance Review.

**RECOMMENDATION**

2. It is recommended that Council considers and approves the draft response to the Local Governance Review, attached as annex 1.

**BACKGROUND**

3. In September 2017 the Scottish Government published its [Programme for Government 17-18](#) which included a commitment to 'a comprehensive review of how local decisions are made and how local democracy is working. This was followed in December 2017 when the Scottish Government and COSLA jointly launched the Local Governance Review, with two overarching aims:

- To find out what changes are needed to encourage more people to be involved in local decision making.
- To decentralise power to a local level, and to review (asking communities and the third sector etc.) how this might be done

4. The review is not just focused on local government but will examine the whole of the public sector including police, fire, health and national agencies. The results of the review will inform a proposed Local Democracy Bill, which is set to be introduced in this term of the Scottish Parliament.

5. In June 2018 the Scottish Government and COSLA wrote to East Renfrewshire Council to invite us to provide our priorities for the Local Governance Review, although the final deadline for comments is December 2018 we were encouraged to provide feedback in the autumn to help shape the review at an earlier stage.

6. In response to a request from Professor James Mitchell, who was commissioned by COSLA to establish a joint position across the 32 local authorities, East Renfrewshire Council provided an initial response in June 2018. The response highlighted our recent experience working of closer with our communities to implement the Community Empowerment Act locally and our partnership working with neighbouring councils to deliver the Glasgow City Region City Deal.

7. A paper to COSLA leaders in August, attached as annex 2, sets out the Professor Mitchell's initial findings including five initial themes which are broadly in line with East Renfrewshire Council's response presented below.

### **SUMMARY OF EAST RENFREWSHIRE COUNCIL'S RESPONSE**

8. East Renfrewshire Council's draft response to the Local Governance Review is attached as annex 1. The response highlights four key messages:

- i. There is no 'one-size fit all' model- East Renfrewshire Council should be empowered to build on our existing blended approach, where we have expanded our efforts to work both locally and regionally, however we understand that this approach may not suit every community across Scotland.
- ii. Cementing the place of local government and expanding the principle of subsidiarity- the legal status of local government should be protected and where appropriate powers currently held by the Scottish Government, and its agencies, should be devolved down to local government and regional partnerships.
- iii. Representing and working with our communities – Whilst East Renfrewshire's size allows us to work closely with the communities that we serve, democratic representation in East Renfrewshire could be further improved by reversing the reduction in the number of elected members.
- iv. Increasing control of taxation powers at a local level - East Renfrewshire Council should be empowered to take greater control of taxation locally.

### **RECOMMENDATIONS**

9. It is recommended that Council considers and approves the draft response to the Local Governance Review, attached as annex 1.

### **REPORT AUTHOR**

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### **BACKGROUND PAPERS & RELEVANT LINKS:**

Cabinet paper on the "Legal Standing Of Local Government" 16 August 2018  
<http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=22855&p=0>

Council Paper 'Fifth Review of Electoral Arrangements- Local Government Boundary Commission for Scotland' 27 May 2015  
<http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=14566&p=0>

## **East Renfrewshire Council - Local Governance Review September 2018**

East Renfrewshire Council welcomes the opportunity to respond to the Local Governance Review and create a greater local dialogue about future direction of travel based on our experience as a partnership that delivers high performing services with high levels of resident satisfaction.

East Renfrewshire has a longstanding commitment to empowering our communities and working with partners across the public sector to improve outcomes in East Renfrewshire. Partnership working is deeply embedded in East Renfrewshire and community planning is seen as a way of working rather than a set of meetings and structures. This partnership approach recognises that we cannot deliver the outcomes we want for our residents without them being involved in influencing and designing services and even in some cases helping us to deliver them.

Over the last 18 months our strategic focus has been on reviewing our strategic outcomes framework, developing our response to the Community Empowerment Act, including the required statutory plans to tackle inequalities and developing our approach to community engagement and co-production, including:

- the development of our new Community Plan, which encompasses our Local Outcome Improvement Plan, and was shaped by the views, needs and priorities of over 2200 local people;
- Engaging local communities in a 3 year budget setting process – within an extremely challenging fiscal environment; and
- Supporting the development and roll-out of participatory budgeting and community-led locality plans in our most disadvantaged neighbourhoods in order to support our efforts to close the gap between communities.
- developing a City Region approach to planning and collaboration particularly in relation to economic development and education improvement.

### **Our priorities for the Local Governance Review**

We are supportive of the overall aims of the Local Governance Review, to encourage more people to be involved in local decision making and decentralise power to a local level. East Renfrewshire Council believes that any resulting Local Democracy Bill should consider the following four messages:

#### **i. There is no 'one-size fit all' model for Local Governance**

The Local Governance Review provides an opportunity to adapt our local public service structures to the communities that they serve. Scotland's communities are diverse and our approaches to local governance should reflect this. Whilst establishing a single authority model may suit an island community, it might not work for a larger, urban area. The Local Governance Review should reflect this by agreeing that there should be no 'one size fits all' model.

In our case, East Renfrewshire Council should be empowered to expand and build on our existing blended approach where over the past five years we have significantly expanded our efforts to work both locally with our communities and regionally with local authorities across the Glasgow City region.

ii. **Cementing the place of local government and expanding the principle of subsidiarity**

Subsidiarity

To meet its intended aims, the Local Governance Review should be guided by the principle of subsidiarity. Subsidiarity requires that decisions should be taken as close to communities as possible and therefore pushes responsibility down to local levels of government.

The functions and responsibilities of the Scottish Government and its agencies should be reviewed and, where possible, devolved down to the local level. Attempts to centralise responsibility should also be resisted.

Regional working

East Renfrewshire Council has benefited by working closely with partner councils through the City Deal to develop the economy of the Glasgow city region. East Renfrewshire Council has been actively involved with the City Deal and projects worth £44 million now have strategic approval. The Glasgow City Deal was the catalyst for the development of the Regional Economic Strategy and Action Plan and is the first time that the 8 local authorities of the Glasgow City Region have come together with a shared set of economic ambitions and actions for the City Region. This aims specifically to build upon the City Deal and create a wider partnership to deliver inclusive economic growth and job opportunities that are accessible to residents across the City Region. This will form the basis of the new regional Economic Partnership which has been formed as a result of the Enterprise and Skills review.

Collaboration has further extended to Education improvement with the establishment of the Glasgow City Region Education Improvement Collaborative. Directors of Education have been working together to share best practice across local council boundaries and contributing to the region's economic growth through the development of employability skills.

City Region working will develop over the coming years and brings the opportunity to devolve more national powers to the regional level. The model allows councils to focus on meeting the needs of local communities, whilst each area uses its own specific strengths to play their own distinctive role in the city region. The Glasgow City Region, particularly the work to expand beyond infrastructure to agree a shared approach to economic development across the region, could be a model for regional working across other Scottish local authorities. As part of the process the powers and responsibilities for economic development, transport and skills development currently held by the Scottish Government and its agencies could be devolved down to regional bodies.

These regional bodies should continue to be driven by their member councils, agendas must be set and decisions taken at a local level, and not directed by the Scottish Government.

The legal status of Local Government

The Local Governance Review should recognise the place of Local Government in Scotland and ensure that it is protected in domestic law.



In contrast to common international practice, Local Government in Scotland is wholly subject to the will of Parliament, which has the discretion to set its shape, size, powers and

functions. We support COLSA's position to legally incorporate the European Charter of Local Self Government into Scottish law.

### iii. **Representing and working with our communities**

East Renfrewshire's journey to empower our communities has included a number of new ways of working. We are continuing to develop our approach to Community Choices Budgeting and locality planning including:

- **Better Barrhead Community Choices** – East Renfrewshire Council was successful in a bid to the Scottish Government's Community Choices Fund. Building on our approach to Locality Planning we worked with a community-led steering group in Barrhead to establish a process for local people to have a direct say in how funding was distributed to local groups. On 10 March 2018, over 100 local residents attended an event to vote on 49 local community projects that would benefit locality plan areas in Barrhead. £100,000 was allocated across 32 projects. Initial evaluations of the process are highly positive, a video from the event can be found [here](#).
- **Local Outcomes Improvement Plan and Locality Planning** – During the development of our Local Outcomes Improvement Plan, known locally as Fairer East Ren and incorporated within the Community Plan, we gathered the views of over 2,200 local people. We built on existing engagement (including our Citizens' Panel, data from our TSI and from Community Pop-up events). Our work was recently highlighted by the Improvement Service in their [analysis of all Local Outcomes Improvement Plans](#). Our two locality plans have been driven by community steering groups comprised of 20 core volunteers. The steering groups have engaged 850 residents and logged over 360 volunteer hours. We will continue to build on this model, building the capacity of groups to take forward the locality plans to the action planning and delivery stages.

Both the Community Choices Budgeting Framework and the Community Empowerment Act have been introduced relatively recently and set out an ambitious agenda which will require time to be fully implemented. This should be considered as part of the Local Governance Review.

With a population of 94,760, East Renfrewshire ranks 23rd of the 32 Scottish local authorities and 28th in terms of area, covering 17km<sup>2</sup>. The Interim Report of the Commission on Strengthening Local Democracy sets out in detail how Scotland's lowest tier of government is significantly bigger when contrasted with equivalent bodies across Europe. East Renfrewshire's current boundary is closer to the average size of local government across Europe (in terms of both population size and geographical coverage) than Scotland as a whole. This allows us to have a close relationship with the communities that we serve.

Elected members play an important role in local governance – acting as a voice for local residents and communities and setting the direction for councils, whilst sitting on external bodies including Health Boards and other joint boards. Democratic representation in East Renfrewshire could be further improved by reversing the decision following the fifth electoral review of Local Government Boundary Commission for Scotland, which reduced the number of elected members on East Renfrewshire Council to 18.

iv. **Increasing control of taxation powers at a local level**

The Local Governance Review should consider how local government can be empowered to take greater control of our income. Due to the structure of our income stream East Renfrewshire Council can only raise and control a limited fraction of our total budget, with no control of over 70% of our income limiting local decision making and accountability.

**Conclusions**

East Renfrewshire Council supports the aims of the Local Governance Review. The review and its resulting Local Democracy Bill should empower East Renfrewshire Council and our communities to make more decisions locally whilst continuing to expand the remit of regional bodies, building on the existing work to deliver the Glasgow City Deal.

East Renfrewshire's size allows us to maintain a close relationship with the communities that we serve, however democratic representation could be improved through the reversal of the decision to reduce the number of elected members to 18. The place of Local Government should be protected within Scots law.

Finally East Renfrewshire Council should be empowered to raise more of our income to give to allow us to continue to improve outcomes for our residents and communities.

### Local Governance Review – Update

#### **Summary and Recommendations**

This report provides an update on the key activities agreed by Leaders in June 2018 in relation to COSLA's approach to Strand 2 of the Local Governance Review.

In particular, the report summarises the broad emerging high level themes emerging from the Initial Scoping Exercise undertaken by Professor James Mitchell on behalf of COSLA's Special Interest Group, and outlines proposals to engage with Scottish Government to deepen joint working on these through a series of workshops.

Leaders are asked to:

- i) Note that Strand 2 of the review has formally commenced and that councils are now developing initial submissions on the key issues they wish to highlight;
- ii) Note the initial themes that have emerged from the high-level scoping exercise to date; and
- iii) Agree that the Cabinet Sub Committee is invited to work with COSLA to develop workshops and other appropriate mechanisms to explore these themes and ensure appropriate involvement of wider public services.

#### **References**

- Local Governance Review - Leaders – 24 November 2017
- Local Governance Review - Leaders – 25 May 2018
- Local Governance Review – Leaders – 29 June 2018



## Local Governance Review – Update

### **Purpose**

1. This report updates Leaders regarding the Review of Local Governance, highlights initial themes emerging from councils through the scoping exercise carried out by Professor James Mitchell, and asks Leaders to endorse the next steps identified by COSLA's Special Interest Group.

### **Current COSLA Position**

2. Following successful negotiation between COSLA and the Scottish Government Cabinet Sub Committee, the Review of Local Governance was jointly launched by local and national government in December 2017.
3. COSLA's strategic approach is coordinated through monthly meetings of the Local Governance Review Special Interest Group, whose membership is made up of Group Leaders and the Presidential Team. All aspects of the review are also subject to joint political arrangements involving bi-monthly meetings with the Cabinet Secretary for Communities and Local Government, and regular meetings with the Scottish Government's Cabinet Sub Committee, chaired by the Deputy First Minister.
4. As Leaders are aware, the Review is being conducted through two strands. Strand 1 focuses on a programme of community engagement being coordinated by an Enabling Group involving a range of organisations from public services, the third sector and wider civic Scotland. Strand 2 of the Review involves the Scottish Government, city regions, regional groupings, local authorities, CPPs and other public-sector organisations proposing approaches to governance, powers, accountabilities or ways of working that could improve outcomes, reduce inequalities, and improve democracy locally. This strand was formally initiated through joint correspondence to councils and all public services from the COSLA President, Cabinet Secretary for Communities, and Deputy First Minister on 26 June.
5. Leaders agreed COSLA's strategic approach to Strand 2 at their June meeting. This focuses on two components; individual authorities developing specific submissions to the Review based on their local circumstances and priorities, and COSLA working to create a common view from the local government community around key themes emanating from individual authorities' local 'asks', and national aspects of reform such as fiscal empowerment, powers and other issues.

### **What is changing?**

#### **-Initial Scoping Exercise**

6. To begin this work, the Special Interest Group tasked Professor James Mitchell from the University of Edinburgh with undertaking an initial scoping exercise to map out key existing positions on reform, any preparatory work already undertaken by councils or in the pipeline, and other key priorities to consider.
7. To date, 85% of councils have responded, and we anticipate a number of further responses to be provided shortly. Given the early stage at which it was undertaken, the scoping was of course not designed to deliver definitive information. As anticipated, it highlighted that councils are at different stages of development locally; some were

beginning to formulate positions, while others offered lengthier information of up to 65 pages. Overall, the majority of councils are working towards the initial target of September to bring forward initial ideas for consideration, with December remaining the final date for written submissions to be provided.

8. Despite the early nature of this work, some initial themes have nevertheless already begun to emerge, many of which are inter-related and inter-dependent:
  - **“Asymmetric” and “Permissive” approaches to governance**  
 Many responses highlight the diversity of their communities and the importance of ensuring that public services can meet that diversity. This is also evident in the wide range of themes and issues raised by authorities. Common to these is support for exploring potentially different models of governance for different communities. Proposed options for reform vary accordingly, with reference to city powers, islands governance, and single public authority models. The emphasis has been on enabling/permissive legislation in pursuit of this and which could create the conditions and capabilities to provide locally sensitive services. A number of potential tensions have also been highlighted, including managing the relationship between greater variation in local delivery and perceptions of ‘postcode lotteries’.
  - **Collaboration and Integration across public services and councils**  
 Collaboration and integration are key themes across the majority of responses. This includes collaboration across neighbouring authorities (or those with similar needs/interests eg island authorities), with other public bodies including Community Planning Partnerships, and with social enterprises, the third sector and community models. The extent of potential collaboration varies from versions of an integrated single public authority/public sector delivery vehicle, referred to in four submissions, to collaboration on specific policy fields, and greater budget sharing with other services including Health.
  - **Subsidiarity, Empowerment and Participation**  
 Expressed in various forms, the theme of devolution of power, and rebalancing the relationship between national and local government and communities comes across strongly. Opportunities for greater local democratic control of other public services beyond local government are also highlighted, as are the roles, functions and capabilities of Area Committees within local government and Community Planning Partners.

There are also strong references to participatory budgeting, community engagement, and the need to push down power and resources beyond local government to communities. Many references have been made to the need to address the role of community councils, as well as the future relationship between representative, participatory and deliberative democracy.

  - **Scale**  
 While at an early stage, it is also suggested that work should be undertaken to address how to develop public services at the right scale, for example in relation to regional collaborations, existing council or CPP levels, and community level. In broad terms, there is interest in capturing economies of scale or scope at regional level, but in ways that enable local government and communities to deploy this according to local circumstances and priorities.
  - **Fiscal Empowerment**  
 A recurring theme in responses, this is expressed in terms of a desire to have more financial autonomy over the resources available to provide services, the consideration of specific measures such as a transient visitor tax, and reviewing the ways in which

financial measures are used for central policy initiatives or specific input measures. Opportunities such as budget sharing within CPPs and across specific public services are also highlighted.

The Review is also considered to be taking place within a context of increasing demand for services, significant perceived constraints on local financial flexibility, and reductions in grant.

### **Next Steps**

9. This is an ongoing piece of work, and it should be emphasised that the above themes only represent a high level and initial interpretation of issues that are emerging in councils' thinking to date. At this relatively early stage they should not be seen as definitive, and they will need to evolve and be translated so far as possible into a more specific set out common areas that can be taken forward.
10. Councils are therefore continuing to develop their own submissions to the review in line with the request that these are initially available in September for further dialogue and discussion. COSLA will also continue to develop its overall response to Review in line with the process agreed previously by Leaders.
11. With considerable work now developing in many councils, the Special Interest Group has also been very clear that it is hugely important that of all parts of the public sector also engage fully with the Review and invest in developing their own proposals too, particularly in relation to Health. This will be a key matter for discussion with the Cabinet Sub Committee on 18 September in order to hear the progress being made by Cabinet Secretaries to meet previous commitments in this regard.
12. In addition, the themes beginning to emerge from the scoping exercise across councils will of course also need to be developed and refined with public services partners if they are to go forward, and the SIG has therefore proposed that Local Government takes the lead in brokering this joint approach going forward.
13. In order to achieve this, it is proposed that the above themes are therefore further refined, and shared by COSLA for discussion with the Cabinet Sub Committee on 18 September. This would be accompanied by an offer that COSLA and the Scottish Government work jointly to explore and shape these further, for example through a series of joint workshops or other work involving a range of relevant Scottish Government interests and public services where it is appropriate to do so.
14. While the design and format of this joint working would need to be agreed, the objective would be to ensure that national and local government and relevant public services can gather the information that will enable them to understand the opportunities and identify potential solutions as collaboratively as possible. This would of course also sit alongside work by individual councils and COSLA to develop their own detailed 'asks' of the review.
15. It is likely that if the Cabinet Sub Committee agrees to this approach, detailed planning would take place to allow this process to get underway during October if possible, most likely in a number of locations around the country.

### **Update on Strand 1**

16. Strand 1 is focused on engaging with communities to explore how the review can strengthen their participation and involvement in decision making. In May, Leaders noted the 'Democracy Matters' materials developed by the Enabling Group leading this strand, and which are now available to support engagement events or other conversations. Information about the programme is provided on the review website at:

<https://beta.gov.scot/policies/improving-public-services/local-governance-review/>. While we understand that this programme is now building momentum, at this stage we do not have a clear understanding of the activities that are taking place and planned, and we will explore this further with Cabinet Secretaries at the meeting on 18 September.

17. From a local government perspective, councils already have a long history of engaging with communities on these types of issues, and many are also working to facilitate local conversations as part of this strand too. These are taking various forms depending on what makes sense locally, such as arranging a local event, using the 'democracy matters' questions in other planned activities, or sharing relevant key messages from previous engagement exercises. The review team based at the Scottish Government are happy to provide information and support, and welcome the opportunity to attend any events.
18. Once its work is completed in around November 2018, the Enabling Group will capture the key themes and ideas it has heard. However, it does not have any decision-making role in the Review, and its outputs will be subject to joint political consideration by COSLA and the Scottish Government.

**August 2018**

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