A Real Future for Community-level Democracy in Scotland?

Strathblane Community Council is pleased to take this opportunity to comment on the draft Bill. In making our comments we draw on our experience as an active and relatively effective Community Council in a rural/commuting community of about 1000 households which has an increasingly active, membership-based Community Development Trust with whom we have good working relationships.

Of the five questions we are asked to address, therefore, we will focus on the following two in our evidence:

1. To what extent do you consider the Bill will empower communities—please give reasons for your answer? ........

3. Do you consider communities across Scotland have the capabilities to take advantage of the provisions in the Bill? If not, what requires to be done to the Bill, or to assist communities, to ensure this happens?

Some Valuable Proposals but an Opportunity Missed

We welcome the Bill and support its general objectives and, despite some concern over its ‘omnibus’ and ‘catch-all’ form, we see most of the specific changes proposed as potentially beneficial for the empowerment of local communities. We consider, however, that a major opportunity to establish a clear structure of democratic governance at the local community level is being missed. In what follows we therefore focus our comments on a set of core aspects of the Bill which we feel are insufficiently defined. Whilst it is good that the policy draws on principles from the report of the Christie Commission, we also wish to highlight the seven principles from the equally important recent report of the Commission on Strengthening Local Democracy. In particular we would stress one principle not much highlighted elsewhere, that of interdependency—‘spheres not tiers of government’.

Community Councils as the Anchor Institution for Community Building

For community engagement to be successful in a local area requires, first, a real feeling of community identity, of belonging, on the part of its residents and, second, a democratically answerable anchor institution. For that institution to be effective it must have substance beyond the representation of community views to planning partners and other parts of government. We believe it should have autonomous responsibility for a designated set of provisions for its community for which it is only answerable to its local electorate: that is it should be a separate sphere of governance. Missing from the present proposals are measures to establish real community-building along these lines. The only realistic starting point for this type of democratic ‘anchor’ institution in Scotland is the Community Council (CC).

The Present Limitations of Community Councils
Many CCs are already effective in representing community views to local government and other planning partners and in campaigning, along with other groups in their community, on vital issues. Strathblane can illustrate success in both respects. Most notable is the case of a wholly successful campaign—which reached the UK national media and brought action from both UK both Scottish and UK governments—in support of a local residents association to ensure that blameless residents did not suffer the cost of rectifying contaminated land.

And yet the limitations to our potential effectiveness are also easily demonstrated. First, we discover we have no right of representation on the Management Board of Mugdock Country Park, a public facility which lies in our area and is extensively used by our residents, who in various ways may be affected by decisions taken by the Board. As a CC we also find have no power to refer a planning application which the community feels is detrimental to its general welfare to a Planning Panel.

We recognize first, that the working of CCs, and indeed their very existence, may be extremely uneven, both over time and throughout Scotland, and, that as presently constituted they cannot adequately take the step of becoming, in the Commission’s terms an autonomous sphere of government. In practice CCs can neither independently raise significant funds for projects, nor employ their own staff.

These limitations have led to the growth of a range of Community Development Trusts (CDTs), admirable in most of what they do and, like many local groups, drawing in volunteers who may not wish to fulfill a community wide democratically elected role on a CC. Although many have close relationships to their Community Councils (as currently in Strathblane) CDTs are not anchored by democratic accountability to their communities as a whole.

Community Councils Must Be the Anchor institution of Community Governance

There are many places throughout Europe to which we might go for examples of effective community level government. Visitors here from France and Germany look askance at the lack of any formal institutions of community governance in a community of the size of Strathblane. But we need not go to the extent of the French Commune system in attempting to rectify things. Much closer to home the English Parish/Town Council regime gives us examples of what might be done. There a Parish Council, often in a community much smaller than Strathblane, has designated revenue and a set of powers for which it is not answerable to ‘superior’ levels of government and, at the same time the institutional set-up is flexible enough to recognize the different character and needs of different types and sizes of community – village, small and larger towns, and cities. Subsidiarity does not necessarily mean hierarchy.

We are pleased that the Bill envisages the possibility of local authorities devolving responsibility for the delivery of services for which they are responsible to CCs (or other community organizations). But that is not sufficient. As in most other countries in Western Europe our community governance institutions should form an autonomous sphere of democratic government with its own appropriate share of
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funding as of right, rather than remain as mere creatures of local authorities as at present.

Whilst they must certainly continue to fulfill their function of collecting and passing on to other spheres of government and public service providers the views of community members on the planning and delivery of services — and on all issues affecting the commonweal of their community, in addition, CCs should be wholly responsible for the provision of that more limited range of local facilities and services whose form and shape is entirely a matter for local community members. These might include grass cutting and the maintenance of public space and footpaths, community halls, public toilets and similar facilities. In many areas the experience and expertise of the volunteers that CDTs and other community groups can mobilize could be important here but democratic accountability is vital and CDTs should therefore become, in one form or another, ‘arms’ of their local CC.

The lack of definition in the Bill of the ‘community organisations’ to be empowered is a significant cause for concern. It is all very well for a community controlled body to have a constitution and a majority of Board Members from the community but there remains every chance it would not represent the whole community which CCs in their constitution must. What is proposed could very divisive in communities — the very opposite of what is intended (and something we have suffered in Strathblane in the recent past).

Genuine empowerment of CCs as a sphere of community-level government would increase their standing and do much to bring forward more volunteers for election. There would be a need to adapt the some features of the operation of CCs to the varying conditions of communities of differing size and character: cooperation between CCs in rural groupings of small village communities is one obvious possibility.

The Bill should specify that Community Councils would be the ‘anchor’ community organisation throughout the country, and only where exceptional local circumstances dictated otherwise would some alternative body be considered. In addition it should raise the standing of Community Councils as autonomous sphere of government with their own funding and powers.

The very possibility of genuine community-level democracy in Scotland is at stake!

Strathblane Community Council
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