Democracy Matters Consultation – Phase Two
SURF's Response

About This Paper

In 2023/24, the Scottish Government managed a new consultation on local governance, entitled Democracy Matters: Phase Two. The consultation highlights the opportunity to:

> *"Have your say on local communities deciding their own future."*

The SURF network has a strong interest in the rich interchange between local democracy, community empowerment and place-based regeneration – and the potential for complementary improvement.

To discuss these themes in the context of the consultation, we brought together more than 25 SURF members from all sectors, including representatives of community groups, local government, housing associations, and national public sector and charitable bodies, for an online event on 24 October 2023.

The purpose was to explore the consultation themes in depth, with a particular focus on implications for the regeneration of places with social and economic challenges.

The event comprised four thematic discussions, which aligned with the Democracy Matters: Phase Two consultation paper. They are:

1. Community Powers
2. Representation and Accountability
3. Setting Boundaries
4. Resources and Relationships

An event outcomes report is available on our website.

The outcomes of this event informed SURF's February 2024 response to the consultation, which follows in the next section. Our responses were also shaped by general member contributions to SURF activities in recent years, including our current Manifesto for Community Regeneration, and by discussions with partner bodies in the Place-based Programme Exchange Group.

SURF's Response to Selected Questions

1. How could your community use these types of powers to achieve its ambitions, now and into the future?

SURF is keenly aware of the added value and positive impacts that can be achieved when community groups obtain the powers and resources to make positive change.

The SURF Awards for Best Practice in Community Regeneration, an independently judged process supported by the Scottish Government, regularly provides case studies from communities across Scotland. Thematic categories highlight impacts made by community groups through diverse activity including constructing new housing, providing employability services, establishing community hubs, offering new cultural opportunities and delivering community led action plans that lead to tangible place-based improvements.

These actions, often delivered in some of Scotland's most deprived places, demonstrate the potential of sustainable, community led approaches to addressing deep-rooted social and economic problems in both urban and rural Scotland. The Local Democracy Bill can encourage more of this activity in places most in need. There are strong parallels between the powers described in this section of the consultation paper, and the actions of community groups showcased in the SURF Awards.

The SURF Awards, which celebrated reached its 25th anniversary in 2023, provides a bank of good practice and effective case studies. Each year, SURF publishes profiles of 15 SURF Awards highlighted initiatives in a dedicated publication. They are available on our website (link 1 below).

SURF also operates a series of transferable learning workshops to explore SURF Awards projects, and the practical lessons they can offer for policy and practice, in more depth. A policy outcomes report from the 2023 workshop series is available on our website (link 2 below).

Community groups have limited capacities and resources, and many community led SURF Awards initiatives have strong support from a network of partners that often includes local government and other public agencies, in addition to funding bodies, charities, housing associations, businesses, umbrella bodies and other entities.

In addition, there is a fragility at community level, where many formal organisations are economically precarious, struggling to support staff and volunteers, and maintain project, service delivery and/or buildings in a difficult resource and operating context.

In this context, a simple transfer of powers to community groups, will not have the desired impact without investment in resource provision and partnership support. Local government officers in the SURF network also report problems with capacity, challenging their ability to support community groups and work together with them on shared interests.

One participant passionately argued that a transfer of powers from public sector to community activities may in fact be unhelpful, as it would lead to those activists being overburdened with responsibilities they do not have the capacity to deal with, leading to frustrations and failures.

The key learning outcome from SURF's consultation event, is that improving local democracy, requires a comprehensive investment of resources.

Link 1: https://surf.scot/past-surf-awards/
(Good practice examples from the SURF Awards for Best Practice in Community Regeneration)

Link 2: https://surf.scot/policy-outcomes-surf-awards-workshop-series/
(Policy outcomes from SURF's 2023 Transferable Learning workshop series with SURF Awards initiatives)

2.   What other powers should be added, and are there some which should be retained by existing decision-makers?

Several SURF consultees argued there is little purpose in creating new powers for community groups, when those already in existence, are not being fully utilised, or recognised by statutory bodies.

Community group representatives provided examples of situations in which local government bodies did not respond or engage, on subjects and through processes in which policies and strategies oblige engagement.

Existing policies and processes concerning the relationships between local government and communities were seen as not being implemented or followed in line with Parliamentary intentions. In this context, concerns were expressed that little would change to implement any new policies in practice.

Doubts were also raised that decision-making powers, budget-setting processes, and staff positions, would be willingly passed by local authorities to the community level, especially in a current context where local authorities are struggling to meet statutory responsibilities with existing powers and resources. Local government representatives informed SURF of pressures on capacity and budgets that leave them poorly positioned to devote more attention towards enabling and supporting community led activity.

There was some agreement that certain types of powers should be retained by bigger public agencies, and dealt with a regional level. One example given was trunk road infrastructure. It was argued that the Scottish Government and CoSLA could usefully set out which areas of public sector decision-making would be best suited to a shift in power to local control, and which should be retained by appropriate public bodies.

For those powers and decision-making processes that are to be fully retained by the public sector, it was argued co-production and effective community engagement processes should be adopted to ensure community interests are reflected.

3. When thinking about who might be part of new decision-making bodies, what are the best ways to ensure they truly reflect their communities and enhance equality?

In considering this question, SURF's consultees primarily exchanged on Community Councils. Some shared perceived criticisms that many tend to consist of a small group of retired, white, elderly residents who are resistant to change, and who only speak for their own narrow interests, rather than that of the wider community.

It was argued many local voices, including working people, families with children, ethnic minorities, and young people, were not heard by or represented through most Community Councils. These participants were concerned an expansion of Community Council powers would work against, rather than for, representative local democracy.

A linked argument was the bureaucratic nature of Community Councils, which was seen as hindering opportunities for change, and which tended to block or delay ideas raised by local residents, rather than explore them or involve partners. It was put forward that Community Councils tend to fail in rural areas, because they are bureaucratically isolated and lack the ability to do anything useful for local residents, while urban equivalents enjoyed better access to decision-makers and support structures.

One participant argued that community activists operating outside Community Councils, are more diverse, more engaged with the community, and more likely to seek positive change in line with local aspirations. It was argued that the consultation was effectively asking, how do we close this gap, and bring Community Councils and community activists together, harnessing the detail and credibility of a robust, democratic structure with aspiration, genuine representation and effectiveness.

In this context, making Community Councils more useful and appealing, could result in more people getting involved, and a better level of representation being achieved: limited powers was to blame for their ineffectiveness, not the structure.

Cynicism was expressed that any serious resources could or would be committed to reforming Community Councils. Some participants said that their current problems, including poor representation, would remain unchanged following the consultation and any attempts at restructuring.

Several SURF consultees drew attention to the 'messy' nature of community groups. Examples were given of places with multiple community anchor bodies, including community groups of place and theme, including development trusts, Community Councils, community asset owners, community arts organisations, community-based housing associations, disability groups, ethnic minority bodies, social enterprises, tenants' groups, and more.

It was argued that supporting collaboration across these groups, exploring and working towards a shared vision for a local place as part of a wider partnership reflecting community demographics, would be more productive than creating a new entity and hoping it can attract and maintain a diverse membership.

A further point raised by SURF consultees is the patchiness apparent in many community group structures. It is not difficult to find successful, democratic examples of particularly types of community groups, and ineffective, undemocratic ones. SURF consultees felt arguments in favour of creating or utilising more of one type of community group and less of another, lacks a strong evidence base.

4.   *Thinking about your own community, what groups would you like to see represented through other selection methods, and what should these methods be?*

The SURF network does not have a settled view on selection methods, but in general, would like to see some form of democratic process utilised. This may include election from a suitably large and representative membership drawn from the local community.

There is added value in a community group having some committee positions that are not directly elected, including elected members, ex officio representatives drawn from other local bodies and/or thematic interest groups, and co-opted members with particular governance expertise, especially financial oversight skills, which some felt was lacking at the community level.

In line with the 'more resources are needed' recurring theme of our consultation, it was pointed out that balloting processes are challenging for small community groups to promote and manage, and need to be resourced accordingly.

5.   *What would the role of local elected representatives be, and what would incentivise other people to take on/be part of decision-making?*

SURF's Democracy Matters 2 consultation event explored the link between local government and their neighbourhoods. Some felt the distance between large local authority regions and the community level was much too large at present, and resources too limited to sustain locally-based personnel who are well-connected to small communities.

The reality that Scotland is an outlier at European level, where small units of local government rather than big, regional bodies is the norm, was highlighted. It was argued their atypically large size led to an organic outcome in which Scotland's 32 Councils are somewhat disconnected to neighbourhood level activity and views. In turn, this leads to problems with representation, and the ability of local government to support locally-rooted needs and opportunities.

One participant said this could be easily fixed, relatively speaking, by establishing a formal local link between communities and the Council. A local government officer representative at a local place level, could be assigned dedicated responsibilities for building community group relationships, supporting collaborations, and signposting to departmental colleagues on request.

It was argued that Councils were more complex than often understood by community groups, with multiple departments each juggling a myriad of challenging functions with inadequate resources, and not a simple, single entity detached from the community.

Some SURF event participants pointed to communities where a local government officer was embedded and working with local groups on shared aspirations, with positive outcomes. This was viewed as an exception to the norm, given the number of small communities in a typical Council region.

With regard to elected members, SURF consultees agreed they held a mandate from the community and access to power, knowledge and information. As such, they have much value to offer to formal and informal community groups. SURF is aware that many community groups have elected members on their boards and committees, and that these arrangements generally offer valuable mutual benefits for these organisations and the communities they serve.

Expanding these arrangements is, of course, dependent on the available time elected members have to participate in community group activity on top of their busy existing commitments.

Some SURF members drew attention to the challenges of local dynamics, in which one community group may have a reasonable grievance about an elected member formally devoting time and attention to another community group in the same area. Devoting attention to collaborative, place-wide activities and plans over the workplans of single community groups was seen as being a helpful method of resolving these tensions.

6.   What do you think are the best ways to ensure new decision-making bodies are accountable to their community?

As the consultation paper proposes, SURF would like to see a range of activity undertaken by community bodies to support accountability to the community, including the use of consultation events to gather community views, the use of newsletters and websites to share information and activity updates, and the use of voting processes to elect, confirm or reappoint committee positions.

Guidance, training, learning and networking opportunities from umbrella bodies such as the Scottish Community Development Centre are helpful in practically promoting good practice in this area to community groups.

The resource implications of consultation, information sharing and voting processes, are considerable. Combined, they place a significant burden on community groups that must be managed alongside all of their other functions. It will be difficult for the community sector to make progress towards greater accountability without an improvement in the sustainable funding landscape.

7.   Are community events a good way to involve local people in scrutinising progress and setting future direction?

Yes. Bringing people together in a face-to-face community venue setting to review past progress and discuss future plans, is an ideal. Robust academic research indicates face-to-face meetings are much better for supporting collaboration, mutual understanding, engagement and relationship-building than video calls.

SURF has long argued in favour of accessible and enjoyable community events, as a basis for local participation and action.

At SURF's consultation event, digital alternatives were seen as less useful. One consultee pointed to neighbourhood Facebook groups, characterised by in-fighting, negativity and disproportionate engagement by a small number of dominant personalities, and stated that similar trends were evident in local digital events. More distant engagement methods, such as online surveys, were seen as having value only in complementing, rather than replacing, face-to-face meetings and events.

Digital engagement efforts have their place, and rural-based consultees, pointed out the practical challenges of people in a dispersed geographically regularly travelling to a single location. In rural localities, online alternatives could be utilised to attract a higher number of participants given travel-related challenges, but in-person events should be the first choice, where possible.

There is, of course, a resource implication for community groups providing public events, or providing more than they do at present, to support enhanced local democracy.

8.   What other mechanisms would help achieve high levels of community participation in local decision-making processes?

SURF's Democracy Matters 2 consultation activity highlighted 'incomers vs locals' tensions in community group boards. It was argued wider policy can fail to appreciate these tensions, and that they can be difficult to mediate.

SURF would like to see consideration given to this issue in places where these tensions are strong, to ensure that local residents feel comfortable contributing their views regardless of how long they have lived in the community.

There will always be inter-competition between active community groups and activists in a local place, as well as complex relationships between the grassroots and local authorities, and dominant personalities wielding outsize influence in their places. A skilled and trusted community development practitioner can help to mediate between community parties, encourage wider participation from the community, and support collaboration towards community aspirations.

SURF is also supportive of participatory budgeting, Community Wealth Building, Citizens' Assemblies and – where appropriate – community asset transfer processes, which all have strong potential to contribute positively to greater community empowerment. As these approaches evolve through further application in more geographies, there is scope to learn, improve and share, to increase impact in future iterations.

Some SURF consultees said realism was important, and that people with busy lives rarely have the time, energy and motivation to participate in time-consuming local democratic processes beyond voting in local elections. Interactions with people in this group from community bodies may involve keeping them up to date on progress and

opportunities, in the hope that they may be willing to follow developments, and contribute should their circumstances or desires change in future.

9.   What else should this process include to provide new community decision-making bodies with a strong locally agreed mandate?

Instead of creating new bodies, SURF and several national partner organisations saw value in proposing a relatively modest resource to test ideas in a single set of places, making use of local groups, mandates and community consultation outcomes that are already in existence.

This test could be labelled as a co-design process or model, and would support intermediary practitioners or 'connectors' to work with networks of community anchors and collaboratively progress local democracy objectives.

Approaches that build capacity, and which support action and collaboration across multiple community anchors in a single place, are more effective than those that target single actors. These approaches align with the Place Principle and often require resourcing an intermediary in the form of a place-based worker who can provide practical support, make connections and identify resources for new activity.

A pilot approach could involve one or more of: identifying a local authority region as a testing bed; resourcing a dedicated set of intermediary practitioners; supporting and implementing a Local Place Plan; and/or funding a Citizen's Assembly to work out some of the practicalities required in transferring powers to the community level.

The SURF network wishes to make a general call for more strategic investment in, and higher prioritisation of, capacity building in community empowerment.

Furthermore, SURF is vocally supportive of greater investment on community led place planning, and targeted support for multiply deprived places with low community capacity.

10. Are there ways to ensure new bodies are still wanted – for example by making them time-bound and subject to renewal ballots?

There are mixed views on whether formal renewal ballots should apply to community bodies. These processes could give local groups greater democratic legitimacy, but there are concerns about resourcing these processes. In the reality that many settlements and neighbourhoods have multiple community bodies, there are additional worries that local residents would become disengaged, overburdened and/or fatigued by a high frequency of balloting processes.

It could be more helpful to have renewal processes apply to delivery plans, rather than the local groups that deliver them. This could be especially helpful in aligning with the Scottish Government and CoSLA Place Principle, which calls for a step change in place-based collaborations between multiple local stakeholders.

There is a consensus in the SURF network that community led place plans should

have regular reviews built in, with scope to make changes over time. The local community should be responsible for setting time-bound limitations, where the community deems this necessary, balancing democratic legitimacy with practical resource considerations.

In SURF's consultation event, it was argued that the time period was immaterial. The important aspect was the principle that the community has a democratic mechanism in place to change something they feel isn't working. Several agreed that community led plans need to be flexible and fluid, and responsive to the needs of local people, regardless of the implications for complicating or slowing down planning and activity.

11. How do you think community decision-making bodies should be resourced?

The adage, "there is no power without resources", was a common refrain in SURF's consultation event.

Discussion at SURF's consultation on this topic resulted, however, in an agreement that there is no easy answer here. Some were openly pessimistic about the prospects for serious progress in funding local community led bodies and projects, amid gloomy economic forecasts and highly restricted public finances.

Some consultees expressed concern that new local governance legislation may give community groups new democratic powers, but with no additional resources to manage them. The specific concern was that local people would have their expectations raised, but when the newly empowered community groups can't meet them through lack of resources to follow through on aspirations, these groups would get blamed for failure and inaction.

An international comparison with Scandinavia was made. It was highlighted that democratic engagement and public service standards were very high in Norway, and that they don't need the high levels of community volunteering that exist in Scotland. This was seen as avoiding issues with burnout, fatigue and poor wellbeing, that busy community activists in Scotland can suffer from.

An open question followed: can Scotland become like Scandinavia? Much doubt was expressed, in the context of the increase in taxes, scale of reforms and time required - 50+ years was one estimate. One participant felt taxing rich people and businesses significantly more than at present, would help start the journey.

12. Are these the right set of standards to provide reassurance that new community decision-making bodies will be effective and treat everyone with dignity and respect?

SURF supports the National Standards of Community Engagement, which prioritise inclusion, support and impact, and which could be adopted and implemented by any new community decision-making bodies to provide this reassurance.

13.   How could a charter be designed to best ensure a positive relationship between community decision-makers and their partners in national and local government and the wider public sector?

Fundamentally, a Community Charter must have buy-in from community groups and public bodies and appropriate weight in decision-making processes. SURF members do not find it difficult to highlight examples of frameworks, strategies and guidance materials around community led regeneration with good practical intentions, but which 'sit on a shelf' following consultation and production, and are not widely utilised in practice.

A Community Charter should set out, concisely and in plain English, the intentions of the Charter, the practical arrangements through which public sector and community groups should interact, and the responsibilities adopted on each side. To build credibility and profile, the Community Charter could be highlighted prominently by the Scottish Government's First Minister, and through an awareness-raising media campaign.

This section of the consultation document notes, *"In the first phase of Democracy Matters, people told us that new arrangements must be resourced."* A Community Charter will have considerable resource implications across multiple stages, from consultation and development to promotion and practical implementation. More significantly, public bodies and local community actors must have the necessary capacity to meet their new responsibilities in a timely and effective manner.

A Community Charter will need to balance flexibility, in allowing for working practices and collaborations that will diverge from place to place and be responsive to local circumstances, and robustness, in managing any instances in which Charter agreements are broken by the parties involved, including through disputes and inaction.

There is some interest in funding a Citizen's Assembly to work out some of the practicalities required in creating Community Charters and transferring more decision-making powers to the community level. The SURF network, along with the Electoral Reform Society and some planning campaigners and democracy activists, have a growing appetite for the greater use of Citizens' Assemblies in policy development.

SURF Trustee Kate Wimpress convened the first Citizens' Assembly of Scotland, which indicated their potential to deliver strong improvements for inclusion, empowerment and willingness to participate in local democracy. SURF's Democracy Matters 2 consultees noted that Citizens Assemblies are expensive and time-consuming, and creating them to support the Local Democracy Bill process will require investment and delay, as findings are gathered ahead of further policy development and roll-out.

14.   What types of support might communities need to build capacity, and how could this change the role of councils and public sector organisations?

Exacerbating inequality was raised in SURF's consultation event as an unintended consequence of enhanced local democracy, as affluent communities 'ready' to handle greater responsibilities will benefit, while deprived areas lacking in community group and volunteering activity will not.

As the 2023 Scottish Household Survey notes, people in high-income households are more likely to volunteer than those in low-income households. This trend is also clear from areas ranked among the 20% most deprived in the Scottish Index of Multiple Deprivation, where 37% of survey respondents had volunteered in the past 12 months, compared to 51% in the 20% least deprived areas.

SURF's primary concern is that an organic shift in powers to the community level, without any associated capacity building support in deprived areas, will lead to a situation in which communities in more affluent places can lever this shift to make positive change, but communities in more deprived places cannot. The overall outcome could be a bigger inequalities gap between places, contrary to national aspirations.

An investment in community development capacity building targeted at deprived places, involving the training and resourcing of effective local practitioners, could help to deliver ambitions for local democracy, without causing unintended consequences around place inequalities.

Comparisons were drawn to asset transfer processes. Multiple participants expressed mixed views towards community ownership of land and buildings, with examples cited of both "transformative" and "disastrous" examples.

Some argued that public bodies had used asset transfer processes to foist liabilities on to community groups ill-prepared to manage them, and cautioned that the same outcome could emerge from democratic reforms. There were anxieties that local groups could end up with difficult governing responsibilities that they are not adequately trained, experienced or resourced to handle effectively.

15.   Are there specific additional powers and resources which would help public sector organisations to work effectively in partnership with new community decision-making bodies?

By its nature, a shift in powers to community level would reduce the powers currently held in the public sector alone. The role of local governments in a number of public policy areas could evolve, or further evolve, from leading delivery body to a collaborative partner. This shift would align with the Scottish Government and CoSLA's Place Principle, which calls for greater collaboration in place-based regeneration.

The Place Principle acknowledges that too often, single agencies lead on place-based activity, and we need more – and deeper – partnerships, to utilise all of the skills, resources, assets and local knowledge that our communities can draw from and build upon. A Local Democracy Bill could make use of the opportunity to provide more meaningful collaborations between communities and local government.

Several SURF consultees drew parallels to the creation of the Scottish Parliament, and what they saw as a 'scramble' for newly devolved powers. It was argued that disparate local groups fighting for a set of powers which are 'up for grabs' would prove to be a muddled, non-strategic process from which positive outcomes are unlikely to emerge.

The Local Democracy Bill should focus on collaboration over competition, be mindful of the multiple community groups active in most Scottish neighbourhoods and settlements, and explore solutions that avoid empowering a single type of community group or structure, but which encourage public bodies to engage with a wide range of players in a local place, and which promote joint working across community groups and activists.

16. Thank you for considering these questions. When sending us your views, please also tell us about anything else you think is important for us to know at this stage.

Some in the SURF network felt any local governance improvements in Scotland will be incremental and evolutionary, and will not come overnight on the back of a single Bill, however ambitious.

Should the changes desired by respondents to the consultation be beyond the scope of present public finances, SURF would like to see a pilot approach adopted, as referred to in our responses to Q9.

The SURF network is highly cognisant of the challenging present context for public finances. A pilot could maximise value from a limited investment to provide inspiration and understanding in support of a longer term evolutionary shift towards a better form of local democracy in Scotland.

End of consultation response

Derek Rankine, Policy Manager | 28 February 2024 | derek@surf.scot

For further information on SURF's policy influencing activities, please visit: www.surf.scot/policy