

## 17. REVIEW OF LOCAL GOVERNANCE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of the Review of Local Governance that was being undertaken jointly by the Scottish Government and COSLA and to make proposals in relation to West Lothian Council's participation in the Review.

The report advised that the Scottish Government Programme for Government contained 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 was to ensure that local communities had more say about how public services in their area were run.

The Review was intended to strengthen local decision making and democratic governance in ways that improved 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. The Review would cover services provided currently at local and national level, and how powers, responsibilities and resources were shared between national and local spheres of government and communities.

The Chief Executive explained that the Review would involve two separate strands. The first strand would focus on how decisions were taken in communities, the second on how decisions were taken at the level of community planning partnerships and councils or more regionally.

The second strand would involve the Scottish Government inviting city regions, regional groupings, individual local authorities, Community Planning Partnerships and other public sector organisations to propose place specific working which had the potential to improve local outcomes and drive inclusive economic growth.

All changes proposed would be tested against the following democratic renewal principles:-

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

The report went on to advise that an enabling group had been set up jointly by COSLA and the Scottish Government to undertake and report on both stages of the Review. It was noted in the report that a joint oversight group, comprising of ministers and the COSLA presidential team would ensure joint political oversight. The report also advised that the Scottish Government had stated that it intended new legislation (the

Local Democracy Bill) within the lifetime of the current parliament.

The report recalled that 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 and was part of the first strand of the Review.

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

The Chief Executive established an officer group to produce draft proposals for consideration by members. The draft proposals centred around four key themes as follows:

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

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

- Community safety (involving Police Scotland, Fire and Rescue, Housing, Education).
- Economic development (involving Scottish Enterprise, Skills Development Scotland, the College Sector, Education, Visit Scotland and potentially Scottish Water).
- Health and wellbeing (involving Council Revenues, Benefits, Grants etc., and aspects of the local delivery of national benefits).

It was noted that local residents influenced decisions through the democratic process which ensured that locally elected representatives were 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 and foster a greater sense of connection

between the service and community.

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

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

The report went on to provide details on the following:-

- The Integrated Public Authority
- Devolution and Decision Making
- Joint Working / Shared Services

The report advised that the Review of Local Governance provided an opportunity to examine legislation which was hindering effective public service delivery and governance, a number of examples was detailed within the report.

The report also provided details and information on the Legal Framework for local authorities.

In conclusion West Lothian Council's draft proposals were made up of four key themes, concentrated on four broad functions which were in accordance with the five democratic renewal principles all of which were detailed in the report.

The proposals could also be judged against the principles underpinning The Commission on the Future Delivery of Public Services.

The report recommended that the Council Executive

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

### Decision

To approve the terms of the report.

