

STRENGTHENING LOCAL DEMOCRACY IN SCOTLAND: THE CHALLENGE TO LOCAL GOVERNMENT

John Stewart

Local government is not distinguished by the services it provides, important though they are to its working. Other bodies can, and in some cases do, provide those services. It is distinguished by its basis in local democracy. The strength of local government depends therefore on its basis in local democracy and from that basis it gains its legitimacy.

That legitimacy is critical to the relationship of local government to the Scottish Parliament. Only if local government has a strong basis in local democracy can it have a legitimate claim to a major and distinctive role in the government of Scotland. That role could and should be greater than its present role if the hope for a new relationship between government and the people of Scotland is to be realised.

There is an increasing recognition of the role that can be played by local authorities in community governance. The Labour Government's consultation papers on local government in England and in Wales focus on the role of local authorities in community leadership. It is proposed that local authorities should be under a statutory duty 'to promote the economic, social and environmental well-being of an area'. The Government sees community planning as a key element in the approach to this new duty. Through community planning, local authorities would be required to 'develop a clear and understandable strategy for every area, based on an analysis of the area's

John Stewart is professor of local government, Birmingham University. This article is based on a talk to a Consultative Seminar on 8 June 1998 in Glasgow, organised by the Convention of Scottish Local Authorities for the Independent Commission on Local Government and the Scottish Parliament.

Scottish Affairs

needs and priorities for future action' with 'local people, local business and with public and voluntary sector bodies' and 'provide a focus for partnership in delivering that vision'. In England the Government intends to encourage local authorities in community planning (DETR 1998).

These issues are being actively considered in Scotland, and a report on community planning by a joint Scottish Office/COSLA Working Party has been published. The role of local government in community leadership must be considered by the Independent Commission on Local Government and the Scottish Parliament. In effect these developments are redefining the role of local government as being more than a provision of series of services, although those services remain important as the local authorities' own contribution to the needs and aspirations of local communities. These developments give recognition to the role of local government in bringing together different organisation in confronting 'the wicked issues' (Clarke and Stewart 1997), such as the environment, community safety or social exclusion that are at the heart of community concerns. Through the development of community leadership, local authorities can bring together different organisations - both public and private - in guiding the economic and social transformations facing both urban and rural areas.

THE SYSTEMS OF WEAKNESS

The role in community government is only justified if local authorities are close to the communities within, and that requires a strengthening of local democracy. The figures for electoral turnout reflect the weakness of local democracy. There is variation. At the elections for the unitary authorities in Scotland, turnout varied from 37.9% in Aberdeen to 55.5% in South Ayrshire. The average was 45.6% compared with 48.8% in the Welsh unitary authorities and 41.8% in English shire districts and unitary authorities and 33.8% in metropolitan districts. Generally turnouts in Scotland have been higher than in England, but below that in Wales, where however the number of unopposed returns are greater. All these turnouts are low in relation to the general pattern in Europe as the following shows:

Luxembourg	93
Sweden	90
Italy	85
Belgium	80
Denmark	80

Strengthening Local Democracy in Scotland

Germany	72
France	68
Spain	64
Ireland	62
Portugal	60
Netherlands	54
UK	40

(COSLA 1998)

While there are special explanations in certain cases, the general pattern shows the turnout in the United Kingdom and in Scotland to be far below most other countries, where turnout in local elections is close to that in national elections.

Low electoral turnout should, however, not be regarded as the problem, but rather as a symptom of the problem. If local democracy were strong and electors felt involved in the local authority's processes, then local turnout might well reflect that involvement. Explanations for low turnout must be sought in the reasons for the underlying weakness of local democracy.

Four reasons for that weakness are suggested in this paper:

- the limited conception of local government;
- the limited basis of representation;
- the limited concept of representative democracy;
- the limited concept of citizenship.

The Limited Conception of Local Government

It has already been suggested that there is a need for a concept of the role of local authorities in community leadership. In the past it has almost been that a local authority has been seen as an agency for the delivery of a series of services largely prescribed by national legislation. Its committee (and departmental) structure reflected that conception. The proposed new statutory duty challenges that structure, for it is by no means clear where it would be fitted, other than as another item on a long Policy and Resources Committee agenda.

There is a different concept of local government as the community governing itself, albeit within a framework of national legislation. It is the dominant

Scottish Affairs

concept in European local government, reflected in the power of general competence, or the power to act on behalf of local communities, without requiring specific statutory authority. Such a concept both requires and supports a strong local democracy.

The Limited Basis of Representation

The electoral system means that local councils imperfectly represent the composition of the electorate. Because of the greater homogeneity of local authority areas than of the whole country, the mismatch can be greater at local level than at national level. In England there have been authorities in which there is no opposition, despite opposition parties polling over 30% of the votes. In North Ayrshire in 1995, Labour held 27 of the 30 seats despite polling only 55.8% of the votes. In Glasgow, Labour gained over 90% of the seats on the council with 61.5% of the votes. There is another sense in which the councils are unrepresentative. Only 22% of councillors are women - less than England although more than Wales. The councils generally are believed to lack councillors who are under 45 and who are in employment (COSLA 1998). While there is no requirement for councillors to be statistically representative of the population at large, they can be so unrepresentative that they can hardly encompass the different aspirations of the people they represent.

Finally, there are probably fewer councillors in Scotland than in any other country in Europe. Whereas on average in Europe there is about one councillor for every 400 population, in Scotland there is only one councillor for over 4,000 population and the position will not be greatly affected by the changes for the next election. There are relatively fewer than in England where there is one councillor for 2,500 population. There are more councillors in Wales than in Scotland, despite its having less population. The limited number of councillors in the UK generally, and in Scotland in particular, means that the electoral system fails to realise the potential of local government to achieve a quality of representation, markedly different from parliamentary representation.

A Limited Concept of Representation

The dominant concept of representation has been of passive rather than active representation. A councillor is a representative because of election, rather than becoming part of a continuing process of representation through the fact of election. In the passive concept of representation, there is no place for participation. It is unnecessary because the councillor represents people, merely by the fact of election. Participatory democracy is then seen as

Strengthening Local Democracy in Scotland

opposed to representative democracy. Active representation on the other hand sees a continuing relationship between the representative and those represented. It is related to the understanding of accountability reached by Margaret Simey reflecting on her experience as Chair of the Police Authority in Merseyside:

Accountability is not about control but responsibility for the way in which control is exercised. The distinction is a fine one but it is of fundamental importance. In other words accountability is not an administrative tool but a moral principle. Of those to whom responsibility is given, an account of their stewardship will be required. It is a principle whose purpose is to govern the relationship between those who delegate authority and those who exercise it.
(Simey 1988)

Representation like accountability should be a relationship, not an event. It involves telling, listening and responding. Such a concept of representation emphasises discourse and deliberation as the linking factor in the representative relationship. Given this approach, participatory democracy should not be seen as opposed to representative democracy, but rather representative democracy requires participatory democracy. This does not mean that the councillor becomes a delegate. The reality is that the public does not speak with one voice, but with many voices, reflecting a diversity of interests, aspirations and concern. The role of the councillor is to seek to reconcile, and, if not to reconcile, to balance the differing claims through political judgement.

A Limited Concept of Citizenship

Paralleling a limited concept of representation is a limited concept of citizenship. The citizen is an elector, and that is a vital role, but in the limited concept that is the beginning and the end of the citizen's role. Beyond that the members of the public are cases to be dealt with at surgeries or advice bureaux by the councillor.

More recently the citizen has been redefined as a customer. That has had a healthy effect in leading local authorities to emphasise responsiveness to service users, although the term customer hides the complexity of the relationship between local authorities and those on whom its services impact. It reduces and limits the role of a citizen, implying that one can only be concerned with a service if one is a customer of it.

Scottish Affairs

Citizenship can and should mean much more than being a 'customer'. It implies the right to participate in the process of government. That encompasses the role as elector, but means more than that. The development of citizenship requires the development of participatory democracy.

THE TASK FOR THE COMMISSION

The Independent Commission on the relationship between Local Government and the Scottish Parliament has been given the remit - 'to consider how to build the most effective relations between local government and the Scottish Parliament' and 'to consider how councils can best make themselves responsive and democratically accountable to the communities they serve'.

As already argued, the joint remit is necessary because the role of local government in relationships to the Scottish Parliament will depend on the strength of local democracy. If the argument of this paper is accepted then there are significant weaknesses in the state of local democracy in Scotland as illustrated by the level of electoral turnout. That is, however, only a symptom, and the analysis has suggested that there are underlying weaknesses which the Commission should be concerned with.

The Commission has itself raised a series of Issues in its **Consultation Paper 1**, but the analysis above suggests there are other issues to be considered. The analysis so far suggests some of those issues and possible answers to those issues and to those raised by the Commission.

Number of Councillors

This issue has not been raised by the Commission, but there is a case to be considered for at least doubling the number of councillors. The nature of representation is likely to be enhanced by the closeness to citizens that local government makes possible.

The Electoral System

Some of the arguments for an electoral system based on proportional representation follow from the earlier analysis. There is a special argument derived from the Commission's remit. The legitimacy of local government in relation to a Scottish Parliament is at stake. It would be difficult for a Parliament whose membership broadly reflects the strength of different political views to accept the democratic basis of local authorities whose

Strengthening Local Democracy in Scotland

membership is a distorted reflection of the political views of their community.

There are a variety of systems of proportional representation, but both comprehensibility to the electorate and the relationship with the Scottish Parliament suggest that the system for local authorities and for the Parliament should be the same.

Encouraging Turnout

There are a series of direct measures that could be taken to encourage turnout. These are discussed in the report of the COSLA task group (COSLA 1998) as well as in the Government's consultation papers in England, and these include weekend voting, early voting, voting at any polling station and new forms of publicity. The suggestion that is likely to have most impact on turnout is postal voting, which experience in New Zealand has shown to have a significant impact. Major change in turnout is likely to depend upon the role of local government and new relationships between local authorities and their communities through the nurturing of participatory democracy.

Nurturing Participatory Democracy

The case for participatory democracy as a basis for representative democracy has already been set out. It is, however, often argued that the public are apathetic and do not participate in opportunities given them. That is not an argument for inaction, but for looking critically at the way local authorities have sought to involve the public. There is a need for as much innovation in democratic practice as there has been in management practice. That innovation is beginning to happen (Stewart 1997). Scottish authorities have developed citizens' juries, created forums for communities of interest and concern alongside community councils based on communities of place, referenda have been used, and there have been new forms of public meeting such as planning for real development. These are only some of the possibilities that a commitment to participatory democracy should nurture.

The need is to encourage initiatives by local authorities. This is not a matter for legislation, although a Scottish parliament could encourage such developments by showing its own responsiveness to public participation. Local authorities will be listened too with more attention if their views can be shown to reflect an active participatory democracy. The Scottish Parliament could and should use local authorities in its own approach to public participation, since it is at local level that participation comes most easily for citizens.

Scottish Affairs

The Recruitment of Councillors

There is a need to widen the groups from which most councillors are drawn. In part this is a matter for the political parties, but action by local authorities and by the Parliament should be considered. It should be accepted by councils that councillors can play a variety of roles making different demands on time. Creation of additional support including creche facilities have a contribution to make. Payments should be reviewed and legislation should be considered to enable pensions and to secure the rights of any employee to take part in public affairs.

It would be desirable if the political parties permitted councillors to stand for and sit in Parliament while remaining on their councils. The separation of national and local politics in the UK has been a factor in the centralisation of power. A shared membership would build links in understanding into the relationship between the Scottish Parliament and local authorities.

Councillor Structure and Processes

Discussion of councillor structures and processes has focused on political leadership, and yet there are many other issues to be considered, once one breaks away from the assumption that past structures and processes are the only form possible for local government. A concern for participatory democracy and community involvement can suggest new possibilities. Scottish local authorities have developed a variety of forms of political decentralisation. New forms of council meeting concerned not with committee reports but with community issues could provide a public focus. New individual roles for councillors could make them spokespersons on critical community issues. Even within traditional committee structures, new processes could be adopted with an emphasis on liaison with the community and advisory panels. A concern for strengthening local democracy should be the starting point for reviewing councillor structures and processes.

CONCLUSION

The creation of a Scottish Parliament opens up the possibility of new ways of governing. Local authorities' role may depend upon their readiness to adopt themselves new ways of governing designed to strengthen local democracy. For it is only upon a strong local democratic base that local authorities can claim a major role in the government of Scotland. There is much that requires to be done to achieve that role.

Strengthening Local Democracy in Scotland

REFERENCES

- Clarke, Michael and Stewart, John (1997), **Handling Wicked Issues**, School of Public Policy, Birmingham University.
- Commission on Local Government and the Scottish Parliament (1998) **Consultation Paper 1**.
- Convention of Scottish Local Authorities (1998) **Report of Task Group on Democratic Renewal**.
- Department of Environment Transportation and Regions (1998) **Modern Local Government: In Touch with the People** HMSO.
- Rallings Colin and Michael Thrasher (1995) **Local Elections Handbook** LGC Communication.
- Simey, Margaret (1988) **Democracy Rediscovered** Pluto Press.
- Scottish Office and Convention of Scottish Local Authorities (1998), **Report of Joint Working Party on Community Planning**, Edinburgh: HMSO.
- Stewart, John (1997) **Innovation in Democratic Practise** School of Public Policy Birmingham University.
- Welsh Office (1995) **Modernising Local Government; Democratic Renewal and Community Leadership** HMSO.

July 1998