

Title: *Community Resilience and the New Narrative of Community Empowerment in Scotland*

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ABSTRACT

In an era of rapid change, communities are facing multiple, increasingly unpredictable, social, economic and environmental challenges. Resilience will be essential not just to cope with crises but for communities to be able to respond creatively to future challenges and innovate locally appropriate solutions for a zero carbon future. The extent to which a community is able to engage and utilize all its resources affects the extent to which it feels empowered to take action and is a major determinant of its resilience.

A narrative of community empowerment, a commitment “to our communities being supported to do things for themselves”, has recently emerged from the Scottish Government. This has been driven in part by the peculiar context in Scotland, in which a highly skewed pattern of land ownership and an extremely distant structure of ‘local’ democracy combine to disconnect communities from their local resources and from local representative democracy.

Recent Scottish legislation appears to provide significant new opportunities for community groups to gain control of local assets, become more financially sustainable and overcome some of the current local democratic deficit. At the same time, an increasingly well organised and networked community sector, and some within the Scottish Government, are actively exploring new ways to enable public participation and deliver public services. This paper analyses the current Scottish policy framework and aspirations for community empowerment and, through interviews with stakeholders, assesses the potential this may provide for communities to become truly resilient and able to actively engage with transformational change.

1. INTRODUCTION

In an era of rapid change, communities of place are facing multiple, increasingly unpredictable and complex, social, economic and environmental challenges. Resilience will be essential not just to cope with crises but for communities to be able to respond creatively to future challenges and innovate locally appropriate solutions for a zero carbon future.

A narrative of community empowerment, a commitment “to our communities being supported to do things for themselves”¹, has recently emerged from the Scottish Government. The Community Empowerment (Scotland) Act 2015 (CEA) provides for greater community involvement in the planning and provision of public services and, along with the Land Reform (Scotland) Act 2016 (LRA2016), gives communities new powers to acquire land and have a say in how land is used. This has been driven in part by the peculiar context in Scotland, in which a highly skewed pattern of land ownership and very remote structure of ‘local’ government have combined to disconnect communities from their local resources and from local representative democracy. This context seems, at the same time, to have provided a niche for locally based participatory initiatives, with an

¹ Community Empowerment and Engagement, Scottish Government Website: <http://www.gov.scot/Topics/People/engage> accessed 25/7/16

increasingly well-organised and networked community sector now supporting over 2000 community-based organisations and enterprises².

This paper analyses the current Scottish policy framework and aspirations for community empowerment from the perspective of community-based initiatives (CBIs), particularly those that are taking climate action. How supported and empowered do they actually feel ‘to do things for themselves’? Will this new legislation enable communities to become more resilient? Through interviews with stakeholders, the potential of the new narrative of community empowerment to enable communities to become resilient enough to actively engage with and shape the necessary transformational change is assessed. Whilst focused on the specific case of Scotland, it is hoped that some general lessons about the requirements for the emergence of such ‘transformationally resilient’ communities may be drawn.

The paper builds on results from earlier qualitative work in the TESS project³. During interviews exploring ‘success’ and ‘impact’ of CBIs it was clear that groups in Scotland, much more so than in the other European partner countries in TESS (Finland, Spain, Italy, Germany and Romania), consistently reported the current disconnect they experience from their local land and resources and from structures of local government and how this disempowers them and creates barriers for their work.

This paper first describes the methods employed to gather and analyse data for this study. The background to the current situation is explained and, through material gleaned from interviews with a wide range of stakeholders representing the community sector, landowners, academics, politicians and officials from local and Scottish Government, some of the challenges arising from Scotland’s particular situation regarding land ownership and democracy are discussed and the current policy response explored. The situation creates both opportunities and challenges for community-led activity and the differing views of our range of stakeholders about the current policy response and ideas for further change required are discussed.

2. METHODS

Most of the data for this paper was gathered by the author between February-May, 2016 as part of the EU FP7 project TESS. Stakeholders representing a broad range of opinions and perspectives were interviewed. The aim was to obtain a range of views from organisations that had emerged as important from earlier stages of TESS project research. These interviews were supplemented with data from previous interviews conducted in 2015 as part of the main data collection in the TESS project. In total the findings below include data from 13 interviews⁴ (9 interviews specifically for this paper, and 4 interviews from previous TESS work). This work is also informed by perspectives from a wide range of relevant recent policy briefings, reports and other background literature.

The semi-structured interviews lasted around sixty minutes and aimed to explore peoples’ knowledge, experiences and views regarding issues connected with community empowerment, land

² <http://www.scottishcommunityalliance.org.uk> accessed 14/7/16

³ Funded under the European Community’s seventh framework programme under grant agreement no. 603705, see: <http://www.tess-transition.eu>

⁴ Nine interviewees were male and four female. Of these, four were from community groups or community support networks, two were academics, one represented landowners, four were officials in local or national government and two were elected politicians

ownership, local democracy and recent policy responses. Quotes from the interviews are included in verbatim. To preserve confidentiality interviewees are just referenced by sector as follows: community (C), landowners (L), academics (A), politicians (P), officials (O).

3. A BRIEF THEORY OF COMMUNITY RESILIENCE

Communities and community-based organisations operate as part of complex, multi-layered and dynamic, socio-ecological systems. These systems are increasingly under stress, resulting in multiple, complex and interconnected social, economic, political and environmental challenges. In this era of rapid change and reorganisation, an agile and flexible response is required at all levels. Communities will need to be resilient not just to be able to cope with immediate, perhaps, unexpected challenges as they arise but also to be able to actively and creatively engage with the longer-term, transformational changes necessary for the emergence of a zero-carbon society. Being able to bounce back to 'normal' will no longer be sufficient as 'business as usual' becomes less and less fit for purpose (Skerrat, 2013).

Common principles affect resilience in social and economic as well as ecological systems and understanding gained from observing and studying ecosystems can contribute to understanding of how human societies negotiate change (Berkes and Folke, 1998). Walker and Salt (2006) highlight three general and key resilience principles around the importance of:

- modularity – ensuring that if one part breaks, the system as a whole can continue to function
- diversity - the more diverse a system is, the more capacity it has to withstand shock – because there are more options available to fall back on.
- feedback - being able to quickly see and understand the consequences of our actions.

These principles are often in direct competition to conventional notions of 'efficiency' that have tended to drive standardization, uniformity and a reduction in resilience (Walker and Salt, 2006).

Other researchers have emphasized that building resilience requires community action to be focused on increasing adaptive capacity, and communities' senses of agency and capability for self-organizing (Henfrey, T. & Maschowski, G. (eds.) 2015), (Meadows 1993). This approach advocates resilience being understood as a multi-level phenomenon, in which local links readily to global, and the resilience of individuals contributes to and receives from the resilience of their communities and places.

Ecological systems go through successive phases of growth, stability, decay and reorganisation/renewal (Holling, 1992). During the reorganization phase the system is particularly susceptible to small changes in key variables and may either recover its previous condition, transform, or break down -depending on its state of resilience. In the context of communities, resilience involves two related capacities: 'adaptability', or the capacity to plan for and cope with change, and 'transformability', the capacity to undergo a fundamental transformation when the existing forms, structures and ways of doing things can no longer persist in changing circumstances. This suggests that this time of crisis is also an opportunity for transformational change, if a community is sufficiently resilient. The availability of local resources (natural, human, cultural, social,

financial, political and built), and the extent to which a community is empowered to engage them, is a major determinant of its resilience (Magis, 2010).

Clearly, grass-roots organisations have a potentially important role in empowering their communities to self-organise, to engage and develop particular community strengths in order to build the resilience of the local parts of the global system they have influence over. This can link local action with global networks, producing the cross-scale effects and multi-level change phenomena recognised by social-ecological systems theorists (Hopkins, 2008).

Wilding (2011) likens community resilience to a muscle that it is developed through on-going community activity, as a means of building the social capital that will allow the community to self-organize. His, very practical, approach, is to map community resilience on to a four-quadrant grid to provide a useful tool for understanding its essential elements: Healthy and Engaged People, Economy, Culture and Cross-Community links.

Using this approach, we can start to describe what a 'transformationally resilient' community will look and feel like. The individuals within the community will have a high level of physical and psychological well-being, with strong, good-quality personal relationships, a good connection to nature, opportunities to learn and share skills and will generally feel a strong sense of meaning and purpose in life and control over decisions that affect them. The local economy will be connected with and positively stewarding the local environment, ensuring that local resources are regenerated and biodiversity enhanced, with a thriving 'eco-system' of local enterprises that meet most local needs whilst providing meaningful, low-carbon livelihoods. The community will be self-confident, creative and inclusive, actively working for social justice and open to exploring ways of working that encourage real deliberation and value everyone's contribution. Lastly, it will have active links with other communities, ready to give and receive support, to share knowledge and ideas and to develop active partnerships.

With this in mind, we can consider the extent to which the particular situation and recent developments in Scotland hinder or support development of community resilience and what else may be needed for communities to become empowered to pro-actively shape transformational change.

4. DISCONNECTED COMMUNITIES

4.1 *The Scottish Community Sector*

On the face of it, there is little problem with lack of community empowerment in Scotland. There is a particularly vibrant and diverse community sector. The Development Trust Association Scotland, for example, has a membership of over 200 community organisations, many from deprived neighbourhoods, all working to regenerate their local economies from the bottom up. Community Land Scotland is a network of the expanding number of community groups that have brought more than 500,000 acres (227,000 ha) of land into community ownership in recent years⁵. The Scottish Communities Climate Action Network brings together over 100 community organisations that are

⁵ <http://www.communitylandscotland.org.uk> accessed 14/7/16

taking action to reduce carbon dependence and prepare for climate change⁶. A total of 20 such community-led networks including Community Energy Scotland, Community Woodlands Association, social enterprise, arts and food networks are part of the meta-network that is the Scottish Community Alliance. Together, these networks represent over 2000 community organisations that collectively employ 5,500 staff, engage 20,000 volunteers and turnover more than £600million per year⁷. Many of these community organisations can be classed a ‘community anchor’ organisations, so called because: “of the solid foundation they give to a wide variety of self help and capacity building activities in local communities and because of their roots within their communities”⁸. According to a document approved in 2016 by the Scottish Community Alliance, “The concept of ‘community anchors’ and the key role that they play in building local resilience, in the design and delivery of local services and in the field of locally led regeneration has become increasingly embedded across Scottish Government policy”⁹.

These community organizations usually have membership open to anyone in a defined geographic area that wishes to become involved and provide a legal structure that enables groups to attract funding and support for practical projects. Very often, they have succeeded in taking ownership of local land or buildings and have started community enterprises that are enabling them to become more financially self-sustaining. The support networks provide peer-to-peer support and lobby for a more supportive physical, financial and policy infrastructure.

4.2 *The Issue of Democracy*

One reason for the emergence of this active community sector seems to have been the current local democratic deficit in Scotland following reorganization and rationalization of Local Government over the past forty years,

“We don’t have local democracy in Scotland, we don’t have ‘local’ authorities in Scotland. Our smallest local authorities are massive organisations; our largest are bigger than some third-world countries’ budgets, you know” (P).

Argyll and Bute Council, for example, serves a population of 91,000, has 31 elected councillors representing communities spread across 691,000 ha, including 23 inhabited islands, and has a coastline longer than that of France. In Finland, by contrast, ten local authorities would cover such an area. Scotland’s largest council in terms of area, Highland Council, covers a geographic area the size of Belgium whilst large towns such as Kirkcaldy, with a population of 50,000, have no democratic governance structure of their own at all. In terms of numbers of elected representatives per head of population, Scotland is now the least democratic country in Europe. Scotland also has the lowest number of candidates per seat and the lowest turnout at local elections¹⁰. Just finding the right

⁶ Personal communication, August 2016

⁷ <http://www.scottishcommunityalliance.org.uk> accessed 14/7/16

⁸ *Firm Foundations –The Government’s Support for Community Capacity Building*, UK Home Office 2004 , available at: <http://www.communitydevelopmentalliancescotland.org/documents/inPractice/firmFoundations.pdf>

⁹ *Local People Leading –A Vision for a Stronger Community Sector*, Scottish Community Alliance, March 2016, available at: <http://www.scottishcommunityalliance.org.uk/upload/final%20print%20version.pdf>

¹⁰ *The Silent Crisis, Failure and revival in local democracy in Scotland*, Bort, McAlpine and Morgan April 2012 available at: <http://reidfoundation.org/portfolio/the-silent-crisis-failure-and-revival-in-local-democracy-in-scotland/> accessed 13/09/16

person with whom to initiate a conversation about a local issue or proposal can be a major barrier, especially when 'local' government headquarters may be several hour's drive away.

Furthermore, Scottish local government itself lacks autonomy. In the absence of a written constitution, just as the UK Government has the power: "to abolish the Scottish Parliament, equally, the Scottish Parliament has the power to reform the existing system of local government or even, if it wished, abolish it entirely."¹¹.

Whilst having some discretion to decide on local priorities, within the framework of National Priorities set by the Scottish Government, Local Authorities also lack fiscal autonomy.

"Scottish local governments have become perhaps the least fiscally empowered in Europe."
(P).

With ever increasing statutory obligations, particularly for social care, and diminishing budgets, Scottish Local Authorities have necessarily become focussed on 'efficient' delivery of public services rather than on being forums for engaging communities in public debate and deliberation. Citizens have become customers -as recipients of public services, which are increasingly outsourced and privatised¹². This focus on economies of scale, cost-cutting and efficiency-savings in the delivery of services has led to a standardized approach which takes no account of the wide diversity of Scottish communities and the need for locally appropriate solutions. A sense of local knowledge and ideas being ignored or undervalued risks undermining local autonomy, empowerment and resilience. Officials may be reluctant to engage with a local initiative that could potentially be disruptive or a threat to their normal 'one-size fits all' way of doing things¹³. When they do seek engagement, there is frequently a 'culture gap' between council officials and community groups that creates a challenge for both sides, exacerbated again by the lack of any representative, local, democratic forums.

Community Councils came into being shortly after town councils were abolished forty years ago. The new local authorities were required to introduce Community Council schemes for their area. There are now about 1200 community councils across Scotland. They are not a tier of government although Local Authorities and other bodies do consult with them on issues affecting their areas, particularly planning applications. With no powers, minimal resources and little influence, most community councils, far from needing to hold elections, struggle to recruit enough volunteers to fill vacant seats¹⁴.

'Community Planning' was introduced in 2003 at the same time as local councils were given some limited flexibility in allocating their budgets according to locally determined priorities. Again, this is

¹¹ Scottish Green Party, 2014. *Renewing Local Democracy in Scotland*, Report by Andy Wightman available at: https://greens.scot/sites/default/files/Policy/RenewingLocalDemocracy_final_v2.pdf

¹² Bort, P. 2013. *Putting Local Democracy at the Heart of Scotland's Constitutional Future*, Blog for Scottish Constitutional Futures Forum available at: <http://www.scottishconstitutionalfutures.org/OpinionandAnalysis/ViewBlogPost/tabid/1767/articleType/ArticleView/articleid/2464/Paddy-Bort-Putting-Local-Democracy-at-the-Heart-of-Scotlands-Constitutional-Future.aspx>

¹³ The Commission on Strengthening Local Democracy, 2014, *Effective Democracy: Reconnecting with Communities*, Available at: <http://www.localdemocracy.info/news/final-report/>

¹⁴ Community Councils in Scotland, report available at: <http://www.gov.scot/Resource/0039/00391640.pdf> accessed 13/09/16

about better public service delivery, providing: “a process a place for co-ordination between service providers, whereby public services in the area of the local authority are planned and provided after consultation ... among all public bodies ... and with community bodies”¹⁵. In the opinion of some interviewees, it is not about enhancing democratic processes or providing any democratic oversight:

“I’m not persuaded that community planning is the actual space where decisions...happen – I mean it’s not, it simply is not. So it’s a secondary arena, where people more often than not go to coordinate things they are going to do anyway” (A).

Despite the name, ‘community planning’ has little or no involvement with local communities and nothing to do with land use planning. In some areas, ‘community planning’ partnerships are establishing ‘local area partnerships’ which do attempt to involve community representatives and organisations in determining local priorities and preparing local action plans¹⁶. Necessarily however, and in common with Community Councils, those with time and motivation to participate tend to be an unrepresentative sample of the population.

4.3 The Issue of Land

Scotland has the most concentrated and monopolistic land ownership structure in Europe. 80 per cent of private land by area is held by just 0.1 per cent of the population (McGregor, 1993). This isn’t a recent occurrence. Most of Scotland’s land has been under the ownership of just 1500 estates for over 900 years with some families in hereditary occupation for more than 30 generations. Scotland’s particular history ensured that feudal tenure lasted longer than anywhere else, enabling the Highland Clearances of the 18th and 19th Centuries and the massive population shifts required by early industrialisation. This situation has become so ingrained as to be almost invisible (Wightman 2015) and largely unquestioned. It is bolstered by a legal system that prioritises protection of property rights. The movement of people, often by force, away from the land and from land-based livelihoods to industrial centres reduced their knowledge of and hence their connection to the land and landowners, a situation exacerbated by the persistence of the British class system, including separate (private) schooling, which removes potential points of contact or opportunities for mutual understanding.

Community action frequently requires access to land, whether for food growing, for installation of community owned renewable energy generation, to create a cycle path, to build affordable housing or workshop space for local enterprises, or a host of other reasons. This may require ownership or at least some sort of lease or access agreement. In other instances, a community may simply want to have some influence over how surrounding land is managed, perhaps to make flooding of their town less likely. Currently, land is hugely expensive, often putting purchase out of the reach of community groups. A combination of planning policies and restrictions, tax reliefs, agricultural and forestry subsidies mean that land has become a commodity and a means of storing capital in a tax-efficient way. Prices paid for agricultural land, for example, often bear no relation to its value for agricultural

¹⁵ Community Planning in Scotland, Scottish Government Website:
<http://www.gov.scot/Topics/Government/PublicServiceReform/CP> accessed 14/7/16

¹⁶ For example in East Lothian: <http://www.eastlothiancommunityplanning.org.uk> accessed 13/09/16

use. This has the consequence of increasing the number of absentee or passive landowners with little interest in the local community, or even much interest in productive use of the land.

New house building is the almost exclusive preserve of a handful of large companies whose business is based on land speculation as much as on volume house building. Windfall profits arising from land being rezoned for development or from upgraded local transport infrastructure all go to landowners, together with the development companies that have entered options agreements with them. In urban areas, land lies derelict with Local Authorities and communities powerless to act and often unable to even trace the owner, as Scotland lacks a comprehensive land register and permits beneficial ownership to be hidden behind complex nominee and offshore corporate structures. Often, a single uncooperative or untraceable landowner can stymie a community initiative requiring access to land (Roberts and McKee 2015). Although 58% of titles have now transferred to a new land register, this still only covers 27% of Scotland's land area. Huge swathes of the country remain unregistered and the register is almost impenetrable for non-specialists (Wightman 2015).

4.4 Land Use Planning

Future development and use of land, but not how it is managed, are decided by the Scottish planning system. "The system balances different interests to make sure that land is used and developed in a way that creates high quality, sustainable places"¹⁷. The system is plan-based with 'strategic development plans', based on national priorities, covering large 'city-regions' and 'local development plans' for local council areas. Whilst the intention of the strategic development plans is to ensure effective partnership working across administrative, sectoral and political boundaries, the effect is that crucial decisions affecting local communities have usually already been made well before they have the opportunity to engage through consultations on local development plans.

Planning policy and law is a complex area that is challenging for the general public to engage with. If they engage at all, it is purely in a reactive way when they become aware of an application for a development that will impact them. Grounds for objection have to be concerned with 'material considerations' that may be obscure to lay-people. Planning officials and councillors are often reluctant to turn down applications from big developers who have the resources to take rejected applications to the potentially expensive and time-consuming appeal process. Many groups argue that the appeal system is skewed in favour of developers since there is currently no third party right of appeal against controversial applications that are approved¹⁸.

When a 'Local Development Plan' rezones farmland from agricultural to housing use there can be a one hundred-fold uplift in land value that is almost all captured by the landowner. Similarly, all homeowners increase their wealth when property prices rise because of public investment in infrastructure. In most of Scotland, house prices are now well beyond the reach of most people, the young in particular. Housing is the single greatest source of wealth for UK households and successive

¹⁷ The Planning System in Scotland, Scottish Government Website: <http://www.gov.scot/Topics/Built-Environment/planning> accessed 14/7/16

¹⁸ See for example: <http://www.planningdemocracy.org.uk/category/equal-right-appeal/> accessed 13/09/16

UK governments have encouraged rising property prices as a way of enhancing feelings of prosperity, increasing inequality by giving home-owners a tax-free gain at the expense of those who own no property (Wightman 2015). It has also contributed to dangerously high levels of household debt¹⁹, with the likelihood of a detrimental effect on well-being (Brown et al, 2005).

4.5 A New Narrative of Community Empowerment

The rise of a 'community empowerment' narrative within the Scottish Government was manifested in 2015 with the passing of the CEA into legislation. The CEA won't be implemented until early 2017 but is set to open up new opportunities, particularly for urban communities, to bring land and buildings into community ownership, through an extension of the community 'right to buy' provisions to include urban areas²⁰, and for community groups and individuals to have a greater say in the delivery of public services, through new powers to make 'participation requests'. Likewise, the new land reform act of 2016 (LRA2016) builds on the Land Reform (Scotland) Act 2003 (LRA2003) and creates new obligations on landowners to engage with local communities.

The establishment of the Scottish Parliament in 1999 provided an opportunity to start addressing long-standing issues around land in Scotland. The LRA2003's access provision, allowing a right of public access to most private land, was a significant step in encouraging the mass of the people to feel more connected to, and free to explore, the landscapes of their own country. Its 'right to buy' provision was also significant in encouraging a transfer of land into community ownership. Particularly in remote and island communities that have wrested control back from previously absentee landlords, community ownership has overcome the previous paralysis they suffered, stimulated economic regeneration, upgraded housing stock and reversed population decline and falling school rolls. However, the legislation has also been criticised as doing nothing to challenge the current pattern of large-scale land ownership and unregulated market, and for being too complex for many communities to make use of (Wightman 2015).

The view of Scottish Land and Estates, the body representing the interests of landowners in Scotland, is that who owns the land is of less importance than how the land is used and managed:

"So, large areas of Scotland are owned by few people. We would say that actually, you know, we shouldn't be focussing 'who owns what', we should be focussing on what we do with it and how do we get the most out of it. And at the moment the focus on 'who owns what' is actually detracting from 'how do we manage it better?'" (L).

But what constitutes better management is open to question and there are currently no local democratic forums in which this can be discussed and conflicting interests debated in a creative way. Scottish Land and Estates has a non-binding 'landowners commitment' which encourages community engagement. Such engagement will be increasingly required of landowners as part of the newly enacted LRA 2016 but some feared that this is likely to become a tick-box compliance exercise to receive subsidy payments.

¹⁹ Scotland Institute, 2016. *Changes in Household Income and Expenditure in Scotland 2008-2014*, available at: <http://www.scotlandinstitute.com/wp-content/uploads/2016/02/Household-Income-and-Expenditure.pdf>

²⁰ In reality, this is a right to register an interest in purchase, should the land come on the market. See: <http://www.gov.scot/Topics/farmingrural/Rural/rural-land/right-to-buy/Community> accessed 13/09/16

There was general support for moves to keep land issues on the political agenda, and for improving transparency of ownership. However, several felt that some aspects of recent legislation has been rushed through without proper consideration and others were concerned that the key issues around urban land development, housing and land prices, where change is really required to support community activity, are still not being addressed. These are areas where there is much less political consensus around the change required, or how this should be achieved, and more potential for confrontation with powerful vested interests.

“There's this much bigger picture about... local taxation, land value taxation, land ownership, and also community empowerment..”(A).

Nonetheless, there was a feeling that the CEA in particular represents:

“a big step for the Scottish Government, because that puts the community agenda at the forefront... and it grounds a lot of their principles, I think - their intentions towards a more socially just local democracy and land system in Scotland” (A).

5. PERSPECTIVES ON EMPOWERMENT AND RESILIENCE

5.1 Culture Change - Passive Recipients or Active Participants?

Whatever peoples concerns, it was recognised that the CEA and LRA2016 and the commitment for further legislation in the next Scottish Parliament around land reform does indicate a culture change and that it would now be:

“quite difficult to put the genie back in the bottle” (C).

But, the change in the mindset required, to seeing local and Scottish Government as being empowered by local communities, rather than vice versa, still seems some way off. Several interviewees highlighted how demands for more devolution of powers from the UK to Scottish Government currently stop at the Scottish parliament in Edinburgh, with no push to continue this devolution through to local level, despite rhetoric about subsidiarity.

“So it’s really paradoxical.....to see an SNP government – and also others with a devolution sensibility – to keep making arguments about devolving to Holyrood and not to see the very argument of devolving to local government! So these are really puzzling things!”(A).

One interviewee in particular highlighted a view of:

“this really unhealthy relationship between the Scottish Government and local government in Scotland” (A)

in which local government has become largely a way of delivering nationally decided policy, technocratic and bureaucratic rather than democratic, in which citizens and communities are treated as recipients of services, rather than participants, constantly seeking economies of scale and standardisation rather than responding to local diversity.

An interviewee in the Scottish Government was reluctant to admit to any current deficit in local democracy:

“I don’t think I would accept that per se there’s a democratic deficit in Scotland in terms of local accountability” (O).

However, this terminology is revealing, highlighting what another interviewee termed the conflation of administrative and democratic functions, confusion between accountability for how money is spent and services delivered and an open and public debate:

“about the strategic decisions that create a space for those services, that make choices of services, that work through the trade-offs between services, through the difficult decision making and the balancing of competing views and perspectives” (A).

In recent years, as part of seeking greater public participation and engagement, the Scottish Government has trialled a number of ‘national conversations’, for example to inform policy around a ‘Fairer Scotland’²¹ and future provision of health services and is increasingly open to innovations around

“direct engagement specifically looking to engage with people who are not the usual suspects” (O).

None of this however, does anything to address the current feeling of disconnect between people and decisions that directly affect their local community. At the moment, in many communities, this perceived void is being filled by a range of ‘community anchor’ organisations, such as Development Trusts. Development Trusts were felt to be successful precisely because they were grassroots and not part of formal government. Their evolutionary development has encouraged innovation as opposed to the inflexibility of local government which was perceived as slow to react and entrenched in, perhaps out-dated, notions of efficiency:

“I think that even with a much more local level of democracy, which I think is essential, there would still be a role for development trusts –I suppose I’ve always felt that one of the greatest resources of Scotland is the Scottish people themselves and the question is ‘how do you unlock that potential, that creativity, that...sense of enterprise etcetera?’ and, I just don’t imagine the public sector and local democracy ever being able to do that effectively really in a way that it happens, or has happened, kind of organically.” (C).

These grassroots, ‘community anchor’ organisations operate as a form of participatory democracy, with membership open to anyone who is motivated to join. Another interviewee raised the issue of legitimacy and accountability of Development Trusts. Whilst membership is open to all, for practical reasons there is a limit to making such a body representative as it becomes difficult for a volunteer run organisation to administer a large membership and challenging to ensure that member’s general meetings are then quorate. Many trusts struggle to recruit volunteer board members to take on a responsible governance role with no financial recompense. This can be exacerbated by local hostility arising from conflicts and misunderstandings within their wider community, frequently resulting when a CBI receives a large grant for a project that some may not feel to be a priority. This again highlights the need for local deliberative spaces,

²¹ See: <https://fairer.scot> accessed 13/09/16

“a platform where we can have those discussions, at the moment they don’t happen...or they don’t happen involving those who should be round the table”. (C)

5.2 A Confused Space and New Opportunities

At the moment the space where this local deliberation and discussion, where conflicting ideas and opinions could be creatively considered and agreement reached, is occupied by a number of players:

“what we seem to have is not a system but a number of players with quite a lot of tension between them, and I think it’s important for the health of democracy to try and create that functioning system” (P).

These players include local authorities, community councils, community planning partnerships and, often, one or more CBIs such a Development Trust. The roles of these different organisations are not always well defined or understood:

“I don't think anybody really understands why you've got a Community Council and why you've got a Development Trust. And I think there needs to be a clarity about what's happening there” (P).

There is often a feeling of tension, competition or mistrust between bodies that can lead to a lack of action:

“I think there can be, there is often a significant tension between community councils and development trusts...because community councils feel quite threatened by a different democratic accountable body ...good community councils will actually see that development trusts can do things that they can’t (there should be a synergy there) but not all community councils are ‘good’” (C)

A cultural disconnect between the ‘public sector’ and CBIs was highlighted as one difficulty in developing creative relationships:

“So I think that you’ve got – now – a pretty well-intended and increasingly well-informed public service about this shift – in theory –...and some good practice. ...What’s stopping it is that...very practical, and sort of cultural, disconnect” (O).

It is also often simply a question of scale of operation. Local Authorities necessarily:

“tend to do things big as opposed to small and that creates its own dynamics, it creates bureaucracies, and it creates the sort of silo mentality” (C).

Whereas a community may be able to see how things manifest and connect at local level, for the LA

“it’s two different departments or two different agencies or whatever” (C).

There may also be a conflict of interest between the priorities of the Local Authorities (LAs) and that of local communities: “LAs make policies and deliver services, while at the same time they are also in

charge of 'community support'. Are officials capable of supporting initiatives that may be in the interest of a community but actually go against the priorities of the LA?"²².

One interviewee was particularly critical of his LA:

"I think the big inhibitor of change and growth is the extraordinarily lacklustre council that has no vision of what should happen at all."

"I also think the local authority is extremely bad at seeing how they can work with other people. You know, the local authority would have a big role to play in encouraging the Development Trust to be energisers of change" (P).

Other interviewees recognised the important work that Local Authorities do, but also noted that a change in how they are structured may be required, in particular because they have been

"stretched and stretched and stretched so can no longer provide all the services they do, well" (C).

There was much discussion around getting democracy 'at the right level' – asking what Local Authorities do well, and what they should continue to do whilst enabling more involvement and innovation at local level. According to the Commission on Strengthening Local Democracy, "...strong local democracy is about empowerment and decision making, not just about service delivery, and there is no contradiction in smaller local governments delivering some services themselves and commissioning others through larger shared services or the market. Indeed, the international experience suggests that the most extensive decentralisation is made possible by combining or sharing capacity between highly decentralised units of local government. In these countries, local democracy is able to operate efficiently and effectively by routinely sharing and aggregating appropriate services where that is right to meet local needs. In a country with the variety and diversity of Scotland, one size can never fit all. But when it comes to local government, we've pretended it can for too long.... Subsidiarity is the opposite of uniformity and standardisation, and diversity and difference are positive features of democracy not something to be eliminated."²³

The absence of Community Councils from the language of the CEA was queried.:

"How can you have a Community Empowerment Act and say no word about community councils? It will eventually have to happen because it's going to be that or local government reform full scale – that's my gut feeling" (A).

Some felt that Community Councils should not only have more power, but also change how they operate so as to become more inclusive:

"what's wrong with community councils. It's not just that they don't have resources, [with an average budget of just £400 per year]; it's not only that they have a limited role...that in the end attracts a particular type of profile of citizen that ends up creating a particular type of space that ends up reproducing a particular type of dynamic.... We know that open spaces –

²² Report from a forum to inform The Commission on Strengthening Local Democracy, 2014, *Strengthening Local Democracy in Scotland*, Academy of Government, Edinburgh University. Available at: <http://www.localdemocracy.info/wp-content/uploads/2014/03/Report-VAS-TSI-COSLA-Commission-March-2014.pdf>

²³ The Commission on Strengthening Local Democracy, 2014, *Effective Democracy: Reconnecting with Communities*, Available at: <http://www.localdemocracy.info/news/final-report/>

open participatory spaces – are actually some of the most selective that we come across, because time and again we find those with a higher level of education and a higher level of income occupying those spaces”(A).

The interviewee suggested that to prevent this, changes had to be made to make Community Councils more open to more scrutiny, improve the quality of dialogue and focus on deliberation to make them more appealing to communities so that people see them as spaces where communities can come together to make changes. Changing the culture of Community Councils was important here to create:

“deliberative citizens who, you know, take the job much more seriously, engage with the evidence and the arguments....But more often than not these kind of local spaces are not designed in that way” (A).

The same interviewee proposed this would involve a change in role of the Community Councils, so that instead of seeing themselves as representatives:

“they saw themselves as facilitators and they developed the skills of the public facilitator who has mediation skills, negotiation skills, knows how to design processes that are inclusive, knows how to use a range of platforms, is agile... then we are talking about a different kettle of fish” (A).

“I would argue it’s all down to the kind of space that has been created. To me it’s about what kind of citizen are we asking citizens to be? We’re asking them to be bystanders, complainers, spectators, people who shout at you... If we create that kind of space that’s the kind of citizen you then get. When we create spaces for dialogue and deliberation we get deliberative citizens who, you know, take the job much more seriously, engage with the evidence and the arguments” (A).

This perception of a need for different ways of bringing people together, of engaging and facilitating a range of views and interests, provided common ground for all interviewees.

“what is needed are these hosting, convening skills.. which bring with them a particular ask of people it’s not everyone who can do that, you know, it requires someone to have done different sort of work to prepare themselves for that role. It’s not the same thing as consulting people on options – which is the traditional domain. It’s more about an open-ended conversation where you are generating new possibilities on...on equal terms... Where actually people have suspended their preconceived ideas – at least temporarily – and are open to enquiring into the others’ positions” (O).

Whilst many CBIs are themselves actively experimenting with practicing and developing such skills and processes for governance and facilitation of their own activities, they mostly lack resources or legitimacy to themselves convene the creative, deliberative, representative, political spaces that are currently so lacking at community level. By their participatory nature, they form a self-selected group, often dominated by volunteers from a particular educational or social background. Their intention is usually to provide a way for people to come together to implement practical projects. However, by working in partnership with the reimagined, facilitative Community Councils proposed

above, or similar new, ‘real political spaces’, they could become the practical delivery vehicle for achieving locally agreed aspirations.

For this to work, not only will there be a need for more people to learn and practice these facilitating, hosting and convening skills but ways will need to be found to overcome the current barriers to participation so that a representative sample of views are included in these new conversations. One suggestion for achieving this was to explore the scope for building on successful use of citizen’s juries²⁴. With participants selected by lottery to ensure diverse representation, these have been shown to produce a high quality of scrutiny, of dialogue, deliberation and decision-making. And to overcome barriers to participation, it was suggested that we must be prepared to compensate people for their time.

“You know, there are plenty of roles that one can do voluntarily that I accept are better not paid; but the job of creating spaces for meaningful local deliberation, to shape decisions, to improve decisions, to reshape services, to tackle really difficult complex issues; that’s not the kind of the thing that I would leave to open, voluntary spaces that then replicate the very inequalities that are creating the problems in the first place” (A)

The same interviewee expressed concern that, without such action to overcome barriers to participation and ensure diverse representation, there is a real risk that the CEA will simply benefit those communities that already have a wealth of social capital and are already mobilised to take advantage of the new opportunities it brings.

“If you don’t have that wealth of social capital in a local area then it might mean that the Community Empowerment Act benefits those who are already mobilised. That is a real risk, that is a real risk” (A).

6. SUMMARY AND CONCLUSIONS

Returning to our earlier description of the necessary components of a resilient community, to what extent is the new community empowerment narrative and recent legislation likely to contribute to increasing community resilience?

Currently, issues around land and their ‘disconnect’ from land use planning and local decision-making combine to disempower Scottish communities –with an adverse influence on individual wellbeing. Whilst recent legislation should help to open up easier community access to land in urban areas, and more opportunities for community participation in design and delivery of public services, there is a long way to go in rethinking local democracy. Key issues around housing and land prices have not yet been addressed and questions around how the Land Use Strategy and the national planning framework can better integrate with local development planning and community level action plans remain unresolved. An explicit distinction is needed between public service delivery and the democratic processes for discussion and decision about the priorities and values that shape those services.

²⁴ Roberts, J. and Escobar, O., 2015, *Citizens’ juries on wind farm development in Scotland, Final Report*, ClimateXChange, available at: <http://www.climateexchange.org.uk/reducing-emissions/citizens-juries-wind-farm-development-scotland>

Access to land, workspace and an ability to provide affordable housing are all crucial to empowering communities to create local livelihoods and vibrant, resilient economies. Too often at the moment, none of these are within local community control, even those with strong 'community anchor' organisations. The new legislation may play a part in improving access to land, and giving a voice in how it is managed, in some instances. It may also provide some new opportunities for community groups to gain control of local assets and become more financially sustainable but much remains to be done to transform the current situation, particularly regarding land use planning, high land prices and provision of housing.

Cross-community links are in many cases already strong, thanks often to the intermediary network organisations that form the Scottish Community Alliance. Links between community groups and other sectors are much more limited. Community planning partnerships, which should in theory link different sectors and actors, mostly have little connection with local communities. Future 'participation requests' by community groups to the public sector may open up possibilities for more engagement and mutual understanding but may be hampered by the 'cultural disconnect' highlighted by several interviewees. There is also the fact that such opportunities are more likely to be taken up by communities that already have the knowledge and motivation to do so. New democratic spaces and processes to ensure links between sectors and actors across local and regional scales will be crucial here.

Such new democratic spaces and inclusive processes will also be crucial in ensuring that all voices are heard, differing perspectives are considered and conflicts used to find creative ways forward in resilient communities of the future. Of necessity the community sector is often highly creative and open to new ways of working and of overcoming challenges. However, it frequently struggles to be inclusive and to gain the whole community support and legitimacy that it would like, and often needs, to take projects forward. The Community Empowerment Act does not address the current democratic void but it is encouraging that the Scottish Government is now in the very early stages of bringing forward a new 'Decentralisation' Bill. It is to be hoped that the process of developing this will itself encourage local participation and deliberation so as to create locally appropriate solutions and structures.

Most of our stakeholders agreed that there remains much to be done to overcome the barriers that community action faces. Whilst there was general support for the direction of travel, there was concern on one side that some reforms are being rushed through without proper consideration of the detail and, on the other, that they don't get to the nub of the issues; that more fundamental challenges to vested interests and changes in democratic structures are essential.

A new framework of democracy has not yet been established nor, above all, a new culture and mindset in which central Government is empowered by communities and not the other way around.

However, the new legislation does set a clear agenda and direction of travel around community empowerment that seems likely to further enliven the current active debate around the future shape of democracy and role of communities. This role is increasingly recognised, helped by a particularly well-organised and networked community sector that supports over 2000 community-based organisations and enterprises across Scotland.

Whilst the shortcomings of the current set-up present challenges for all sides, the very lack of a functioning system of properly local democracy also creates an opportunity to go beyond minor adjustments and to prototype truly innovative spaces for local dialogue and deliberation. Despite their varied perspectives and views, there was general agreement among all our interviewees around a need for new spaces and structures, and a need for facilitation skills, to enable and encourage active participation and creative engagement. Without dictating a one size fits all structure, there is scope for the Scottish Government to play an enabling role that fits with its ambition “to be known for a more participatory form of government”, for communities to “have a say in shaping the things that matter to them” and to ensure that a voice is given to those that “are not often heard” (O).

The Scottish Government should be more explicit in recognising that the move to a low-carbon Scotland will involve radical transformation in existing patterns and ways of doing things as current economic, social and political systems become more stressed and less and less fit for purpose for a low-carbon future. The critical role and potential of resilient communities to themselves actively create the new, locally adapted systems necessary needs to be better recognised.

In line with its experiments with holding ‘national conversations’ to shape Scottish Government policy, there is scope to encourage ‘local conversations’ through support for new and existing community led experiments in enabling dialogue and deliberation on local issues, providing support and training in appropriate facilitation methods and skills as well as funding to remove barriers to participation. These would promote a model of ‘facilitative leadership’ in which “the role of leader is to mediate and negotiate amongst competing interests and agendas in order to reach agreements and make things happen” (Bussu and Bartels 2013). Crucially, Scottish Government can take a lead in creating a culture change in which the outcomes from these local deliberations, cascade up to shape policies at regional and national level.

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