



How healthy is our local democracy?

Ros Scott



This pamphlet is based on a speech given by Ros Scott at Liberal Democrat Party Conference in 2008, at an Unlock Democracy lecture. Our lecture and pamphlet series are intended to provoke debate on and interest in issues relating to democracy and human rights. As an organisation promoting democratic reform and human rights, we may disagree with what our contributors say - but we are always stimulated by and grateful to them.

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How healthy is our local democracy?

Ros Scott¹

Much of what really matters to us is on our doorstep. The condition of roads, the quality of local schools, the availability of leisure facilities like swimming pools and libraries, and whether or not our bins are emptied efficiently should be daily reminders about the state of our local democracy. And yet, it is all too rare to hear debate about the performance of the council, at least in anything other than a general sense, the choices which are available, or about the potential power of the ballot box to change things.

Democracy, like charity, begins at home. If citizens feel disconnected from the democratic processes closest to home, then what hope is there for wider engagement? If government in all its forms can't do anything about the dog dirt and paving slabs, how can anyone have confidence in its ability to deal with a global economic crisis, environmental degradation and threats to our security?

After being closely involved with local government for almost 20 years, it is my belief that genuine local democracy in this country is in terminal decline. I don't believe that this has been pre-ordained, but rather that a nexus of various policy decisions has led us to this point. It is a failure to understand the inter-connected nature of these decisions which has got us where we are, and only through a genuine commitment to seeing these links can we rescue local democracy.

For democratic accountability to work you need two things; firstly, a framework within which votes are cast freely, fairly and honestly, and secondly, a system within which there is a clear link between your actions as a voter, and the outcome. This means that not only should the outcome reflect the voters' preference, but that performance of the elected organisation can be used to determine their choice in the next election.

This short pamphlet will outline areas of concern against each of these criteria and will provide a framework for understanding how local democracy has declined in recent years.

He who pays the piper

Money may not be the root of all evil, but it is at the root of local democracy. Local government now raises only one pound in every four it spends. With the greater proportion coming from central government, it feels it needs, indeed is obliged, to control exactly how this is spent locally. This then is the rub - if central government collects your taxes and passes the money to the council, then of course it wants to determine the outcomes - so it ties councils up in a raft of performance indicators, delivery plans, targets and ring-fenced grants.

From the point of view of the citizen, it then becomes nigh on impossible to work out why cuts are being made, or particular priorities being determined. Each year there is a ritual dance over the finance settlement in which Ministers criticise the extravagance of local authorities whilst Council Leaders bemoan the parsimony and lack of understanding in government. Local government finance is so opaque that each can say opposite things and both can be right! But in this battle of statistics, the real losers are local people who end up blaming the political classes generally, regardless of which tier of government they represent.

¹ Ros Scott would like to thank Zoe Billingham at the LSE for her research assistance with this pamphlet.

Only when local government has more power to decide how to raise and spend its own money will it be genuinely accountable to its citizens. In the democratic marketplace, real choice can only be exercised if you can be sure of the product on offer.

I know, let's have a committee!

It is a source of amazement to colleagues from the rest of Europe that in this country, central government determines the very minutiae of council's decision making. The old committee system has been abolished, by statute, in all but the smallest councils. The 2007 Local Government Act vests all executive authority in either a directly elected mayor, or a so-called 'strong' leader. There may well be areas where this works perfectly well, but surely it should be up to the local authority and its residents to find a system of governance which reflects its culture, tradition, ethos and profile?

Coming from a rural area, I can't see how the one-person model can create the sort of accountability which central government seeks – it's hard to imagine a Suffolk equivalent of Boris or Ken. A reality of many large local authorities is a tension between their sparsely populated rural areas and the urban centres, but the new governance arrangements aren't really designed to reflect that in the way that the traditional committee system, or even a cabinet, could.

Since 2001 a new system of local area decision making has been evolving, namely, the 'local strategic partnership' in which the key players in the locality get together to work towards a set of targets and priorities agreed with central government. No-one could argue against the principle of agencies co-operating for the wider good of their area, and this system is probably benign in intent. But these bodies meet in private, arrangements for scrutinising their decisions are unclear and the only component with a democratic mandate - the council - is represented by a single individual who is usually the Leader.

A similar arrangement is being developed across local authority boundaries in multi-area agreements; like local agreements, these run for several years and could result in new administrations being completely bound by existing policies even where the electorate has voted for change.

Prior to coming into government, Labour were keen supporters of a power of general competence for local government, but have never delivered on this promise. In other words, the situation remains that councils in the United Kingdom can only do those things specifically allowed to them by central government. This is the complete opposite of what pertains in most of the rest of Europe, where councils have a much freer hand. The Government support the European Charter of Self-Government in principle, but have never ratified it.

Local government review warrants a book all to itself; the most recent round has, at the time of writing, been ongoing for two years and is mired in judicial review and challenge. The one area which cries out for central leadership and a clear policy framework has been left to local councils to negotiate and has descended into the worst kind of self-preservation. Centrally and locally, I hear so little genuine debate about the level of service delivery to citizens that it makes me despair.

Meanwhile, micro-management continues apace, and the current local government Bill takes up pages of primary legislation just to tell councils how they should deal with petitions.

All the news that's fit to print...

When I first became a councillor in the early '90s, the local newspaper sent a reporter to every major council committee and often the sub-committees too. In fact, junior reporters used to cut their teeth on local authority business and it formed a significant part of the newsprint, providing a means of public scrutiny of what their local service deliverers were up to.

Local newspapers are now suffering a significant decline, at least in part due to migration of classified advertising, for so long the mainstay of their income, to the internet. Many have closed down altogether whilst others have been bought up by larger news organisations. Four national publishers now own 70% of the total market (House of Lords Communications Select committee report, *The Ownership of the News*, June 2008). The drive to reduce costs has resulted in their being a much reduced local newsgathering capacity, and a reliance on press releases from local councils and quangos.

Local radio is suffering a similar fate. At the same time, ITV has scaled back its provision of regional news and looks set to withdraw from it altogether². The decline of local and regional news gathering is a further erosion of the ability of citizens to hold their local institutions to account. In localities it's now quite hard for citizens to know what decisions are being made by their council, why they are being made in the way they are, and what the other options might be. Increasingly, it's down to opposition political parties to do this, but that relies on them having sufficient resources to do this.

It's important to the future of local communities that this is addressed as a matter of urgency, and there are steps which the government could take to facilitate this. As recommended by the House of Lords Select Committee, the restrictions on local cross-media ownership could be lifted to allow for a single provider of local news across a number of platforms. Ofcom could be empowered to look at each on its own merits, using a public interest test to ensure that mergers are of real benefit locally.

Larger broadcasters such as Sky and ITV have already expressed an interest in being part of a multi-platform delivery of local news where they provide the technical skills and the scale of delivery, whilst regional and local news gatherers provide the content. As the vision put forward in the Government's recent White Paper *Digital Britain* is rolled out, broadband speeds should become universally of a quality where local and ultra-local news is a reality.

But is it really worth bothering to vote?

So let's suppose you're keen to get out and vote despite the labyrinthine decision-making structures and the lack of information. But does it make any real difference whether you participate or not? All too often in a first-past-the-post system, it rather depends on where you live.

In the 2007 local elections, Conservatives in East Hertfordshire won 84% of the seats with 47% of the vote, whilst people in Tunbridge Wells should have been disgusted that Tories there won every single seat with 58% of the vote. Even Labour's current difficulties weren't enough to stop them polling 50% in Bolsover in 2007, but even in a bad year, that was enough to give them nearly 73% of the seats on the council (for all three examples, see the Electoral Reform Society's *Local Authority Elections in England* – May 2007). And in case you think that this is special pleading on behalf of the Liberal Democrats, in areas like Colchester and North East Lincolnshire we won far more seats than our share

² *House of Lords Communications Select Committee, Minutes Of Evidence Taken Before The Select Committee On Communications, 29 January 2009 – uncorrected draft <http://www.publications.parliament.uk/pa/ld/lduncorr/com290109ev3.pdf>.*

of the vote should have permitted³.

In some areas the problem isn't that one party piles up the votes, leaving people of other political persuasions unrepresented, but the opposite effect where near even splits elect candidates with a very modest share of the vote. In Rotherham the British National Party won a ward with just 23.1% and in Stoke-on-Trent with 31%. When 77% of people vote for a candidate other than the eventual winner, and especially when it's from a Party as divisive as the BNP, it's no wonder people become disillusioned.

They were lucky to get an election at all. In Wales last May, 8% of all seats went uncontested, and across the country, contested parish and town councils are a rarity.

Last May's only exceptional result was in London where turnout was up by more than 8%. The supplementary voting system for the mayor meant that around half of Londoners cast a preference for the winning candidate, whilst the proportional system for the Assembly meant that 86% of people voted for a party which won seats.

Vote early vote often?

Government's response to the continuing decline in turnout across all elections, but most markedly in local and European Parliamentary elections, has been to try various ways of making it "easier" to vote. There is a valid debate to be had about whether or not the stubby pencil and the voting booth should be the main or only way to cast a ballot in the 21st Century.

All-postal ballots, supermarket voting, early voting, text and internet voting have all been considered or tried, but currently, the only method which has been shown to have improved turnout is the postal ballot. Certainly, the previous highly restrictive system of postal vote entitlement needed to be brought into line to reflect the realities of modern life, as was the annual cut off date for electoral registration; however, the changes have not been without difficulties.

The comprehensiveness and accuracy of the electoral register – the very cornerstone of our system – is under serious question. The Joseph Rowntree Reform Trust believes that electoral registers are now compromised. Their 2008 Report, *Purity of Elections in the UK: Causes for Concern* claims that the 2006 Act has "proved deficient in combating electoral fraud" and that the claims of increased voter turnout in postal and electronic ballots have been exaggerated. Changes imposed by central government have pushed the electoral administration services to breaking point. Whilst electoral registers have encountered technical and security problems, the greater use of postal voting has also made UK elections far more vulnerable to fraud. There are now numerous convictions for electoral fraud – 42 convictions were reported between 2000 and 2007.

The United Kingdom is now in the embarrassing position that independent election observers do not believe that we conform to international standards. If measures to improve turnout actually have the effect of diminishing confidence in the integrity of the ballot, then they will inevitably prove to be counter-productive.

³ See http://www.colchester.gov.uk/Info_page_two_pic_2_det.asp?art_id=5227&sec_id=87 and <http://www.nelincs.gov.uk/council/elections/ElectionDetail?ID=48>

So, is it all hopeless?

I recognise that I have painted a rather bleak picture of local democracy, and that I have concentrated on local democracy as it relates to local government, rather than on a wider picture of community engagement. This is not in any way to downplay the importance of extra-governmental activity at a local area, but rather to emphasise that if existing institutions are viewed with distrust and cynicism, it becomes harder for new ones to take root.

The three major UK political parties all talk about devolution to local level and strengthening local government. However, you can't will the outcome without willing the means, and a genuine localist agenda needs to accept that there are inherent risks to government such as loss of central financial control, differing local priorities which results in the dreaded postcode lottery, and political outcomes which are uncomfortable for the party in power.

The key to all of this is to reform local government finance to enable citizens to make a clear choice about the outcomes they wish to see, and for councillors to take responsibility for the choices they make. The Lyons Review, which dragged on for almost two years, now lies gathering dust on a shelf in the Department of Communities and Local Government and was a lost opportunity to take a fresh and radical look at funding for local government.

Currently, Britain has the most centralised taxation system in Europe - with the exception of Malta, which is a similar size to Croydon! Talk of empowerment is empty when central control is exercised on this level.

No one likes paying tax, but the current system of Council Tax was described by the Audit Commission as fundamentally flawed. Council Tax results in huge variations in the amount paid by individuals as a percentage of their income with the poorest often the worse hit. In fact, the poorest 20% of households pay up to three times as much, as a proportion of their income, as the richest 20%.

There is no perfect system for financing local government, but I have not seen anything better than a local income tax for delivering genuinely autonomous local government which is truly accountable, for charging citizens in a way which is directly related to their ability to pay, and which does not require an entirely separate bureaucracy to administer it. Also, local income tax is tried and tested: Norway, Sweden, Finland, Denmark, Japan, Switzerland and some American states already use it.

The government is to be commended for the investment it has made in programmes to recruit and train new councillors, and in the steps it has taken to professionalise local government politicians. In too many local authorities there is a rather passive culture, as if all the spark has been smothered. But there are places where elected members use the opportunities given to them by the 'well-being' power and in the new Sustainable Communities Act.

Central organisations such as the Local Government Association, the Leadership Centre, the Improvement and Development Agency for local government and the political parties should continue to develop training and best practice. The scrutiny function, which forms the main task for many councillors, should be given more attention by each of these organisations if scrutiny is to have a meaningful role. It is also essential that partnerships such as Local Strategic Partnerships and public/private partnerships in all their forms are open to genuine scrutiny.

English local government should follow the lead given by Scotland and move to the Single Transferable Vote; this would eliminate fiefdoms and restore the link between the act of voting and achieving a

representative outcome. Studies carried out by the Joseph Rowntree Reform Trust and the Electoral Reform Society, such as the State of the Nation poll in 2006, have shown high levels of support for a more proportional voting system as a way of genuinely widening voter choice. The State of the Nation poll found that 62% of respondents agreed with the statement “elections for local authorities should use a new voting system that would give seats on local councils in proportion to their share of the vote”. Such systems also bring the additional benefit of a more diverse, and therefore representative, slate of candidates.

The integrity of the electoral register must be maintained. However laudable the aim of increasing turnout, it must not be at the expense of a system which has, until recently, enjoyed public confidence. The Electoral Commission proposal for individual voter registration should be introduced as soon as possible – the notion of a sort of “head of the household” who fills in the form is an anachronism which should be changed. The Government has committed to introduce individual voter registration. The Committee on Standards in Public Life report, *Local Leadership and Public Trust*, found that almost two-thirds of the public back such a move.

Finally, changes in electoral law and alterations to polling dates must be carried out with the complete agreement of the electoral registration departments to have to implement the changes; too often they are given unrealistic deadlines and the administration suffers as a result.

This last point really goes to the nub of the matter. It is indicative of a mindset in Westminster and Whitehall that they know best. Genuine partnership is rare and there is a culture of local government being “done to” rather than “done with”.

Changing mindsets is neither easy, nor straightforward, but it is worth doing. The prize is local government which is accountable, imaginative and responsive. The results would be there for us all to see every day of our lives, and who knows - some faith in democracy could be restored, little-by-little, from the bottom up.

Ros Scott was elected President of the Liberal Democrats in 2008.

Ros lives in Needham Market, in Suffolk, the town that she represented first as a District councillor and then as a County councillor between 1991 and 2005.

Ros became deputy Leader, and then Leader, of the Liberal Democrat Group on Suffolk County Council, which was in joint Liberal Democrat/Labour control. She was a founder member of the Local Government Association in 1997, going on to chair the Transport Executive and representing United Kingdom local government on the European Union’s Committee of the Regions.

In 1999, Ros was the number two candidate on the East of England European list at the same time as studying for her first degree in European Studies with German at the University of East Anglia. In May 2000, Ros was made a Life Peer, and sits in the House of Lords as Baroness Scott of Needham Market. She has been a frontbench spokesperson on both local government and transport.

Ros is married to Mark Valladares, and her hobbies include singing with an a capella group, gardening and cooking. She has two adult children, Sally and Jamie.

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