

Local democracy and community governance

A discussion paper by
The Young Foundation

About this paper

This paper was first published by the Young Foundation in 2006 as part of the Transforming Neighbourhoods programme. It has been updated and revised for publication in 2010.

Transforming Neighbourhoods was a research and innovation consortium on neighbourhood governance and empowerment that ran from 2006 to 2008. It brought together government departments, community and research organisations. Partners included the Department for Communities and Local Government, the Home Office, the Joseph Rowntree Foundation, CABE, The Community Alliance and 15 local authorities including Birmingham, Camden, Haringey, Knowsley, Lewisham, Liverpool, Newham, Sheffield, Staffordshire, Suffolk, Surrey, Tower Hamlets, Wakefield, Waltham Forest and Wiltshire.

1. Overview

The coalition government has signalled a strong interest in empowering both local government and communities by devolving powers from Whitehall to Town Halls and to communities. Among the proposals are greater freedom for local authorities, removing top down targets and allowing councils more autonomy over certain spending decisions; and giving communities new powers and rights to take over and manage local assets, demand referenda on council tax decisions, have greater influence over local public budgets and encourage widespread community activism.

Many local authorities have already embraced community empowerment as a strategic approach and around the country there are hundreds of examples of estates, villages and neighbourhoods sharing in decisions about devolved budgets, running local services and shaping strategic services through neighbourhood charters or agreements, taking the lead on action planning and participatory budgeting or starting community social enterprises. However, many other authorities have concerns about empowering communities and looming spending and staff cutbacks are likely to provide a legitimate reason to limit progress on this agenda. A fundamental rebalancing of power in favour of local government and communities will take time to embed itself, and attitudes and capabilities will need time to catch up.

Through the government's Big Society proposals a particular accent is being put on empowering people in neighbourhoods and very local communities, in part because local variations demand the power to respond in locally appropriate ways, and in part because the lowest tier of executive local government in this country is larger than in most countries. Still it is not yet sufficiently clear to most people what smaller-scale neighbourhood governance will look like in practice, or how we will be able to engage with it as organisations or citizens. To fill this gap, this paper presents a vision for how community empowerment can help underpin local democracy.

Policymakers and practitioners in central and local government agree that “no one size fits all”, in particular when it comes to ultra-local community governance. No template should be imposed universally: different localities present differing contexts and needs. Even adjoining neighbourhoods in the same area may benefit from different approaches. Our research and experience suggests that this flexible approach is largely right. But for it to succeed as a strategy for collective empowerment and an offer to citizens, we need to clarify the nature of the opportunities being opened up, both locally and nationally. Particular concern has been expressed by commentators about the accountability and democratic credentials of community governance frameworks and how they will relate to democratic local government. Some confusion arises from the fact that empowerment at this level has three related but distinct dimensions:

- *Democracy and community governance* – including representation, voice and advocacy, deliberation, and scrutiny
- *Local service provision and responsiveness* – including joined-up administration, citizen involvement and collective choice
- *The supporting web of civic life* – local association, mutuality, community infrastructure and organisation

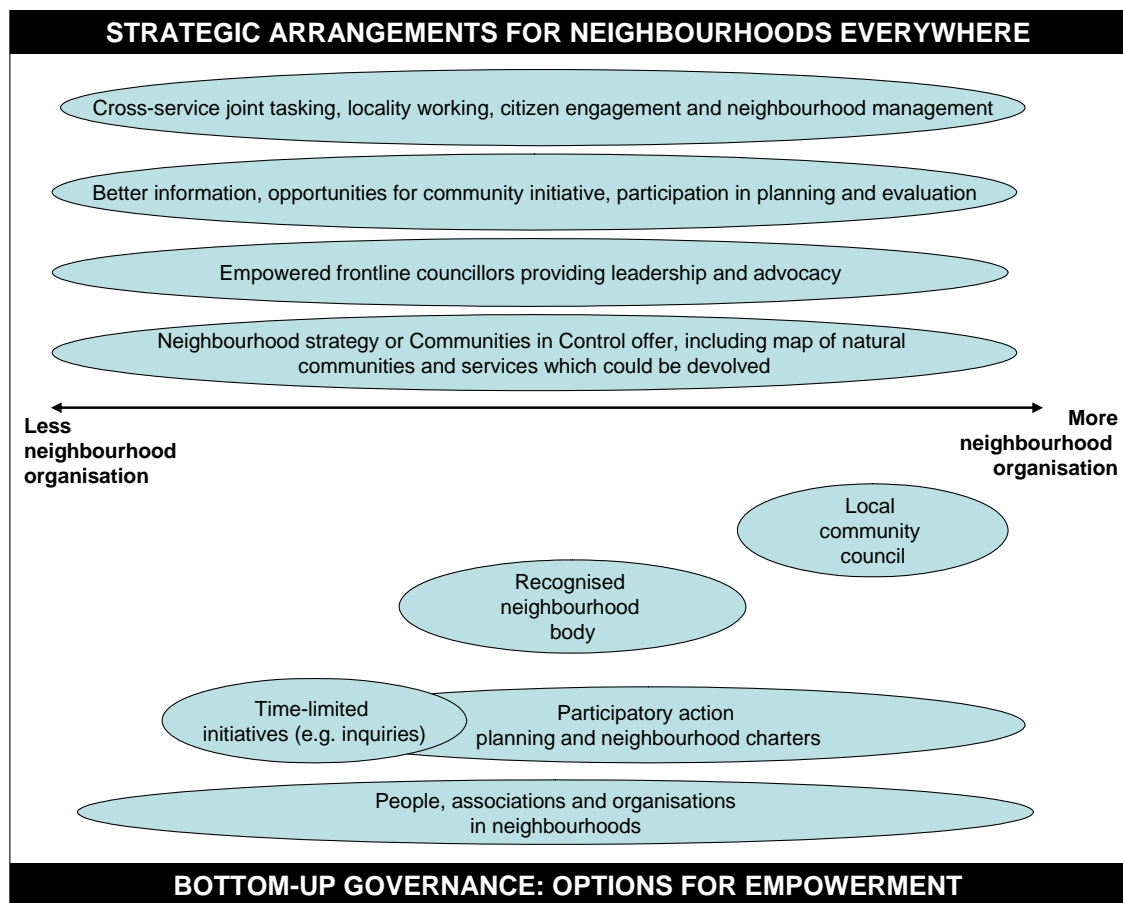
This paper draws on our research and experience with areas around England and develops the first of these dimensions, presenting focused recommendations for how neighbourhood governance can help to underpin the wider system of local democracy in future. Released in parallel with a paper focusing on more local and responsive service provision, it is not intended to be an exhaustive or final statement on the full range of neighbourhood management, governance and engagement issues.

Democracy can flourish in many different ways. It is presently evolving as fresh demands for and practices of participation fall in with and challenge the representative process. Our work has found that arguments between participation and representation prove sterile when we see how they can work together in processes of “everyday democracy”. Our recommendations here seek to weave the two together in service of a richer participatory democracy, well-anchored in more legitimate representation and effective management.

Elements and options

We recommend that universal elements of community governance – empowered frontline councillors, responsive services and opportunities for direct initiative and participation – are combined with options for greater bottom-up empowerment, in particular strengthening the capacity of parish councils and creating a category of “recognised community bodies” (such as community associations or development trusts) that can relate constructively to councils and services. The offering will vary from place to place. Beyond geographic neighbourhoods, communities of interest and user groups should clearly also be addressed in any engagement strategy. In some places neighbourhoods may be the main vehicle for citizen empowerment, and in other areas they may be less central.

While many councils will rightly see neighbourhood management or governance as part of their “core business”, they need to share its shaping with citizens and neighbourhood organisations to leave space for leadership from other quarters, because this is where much of the promise of the agenda lies. This is not simply about local authority reform. A council’s community strategy may focus on management and service improvement in deprived areas, but community empowerment should be a general opportunity of English local democracy. The key strategic elements and bottom-up options we recommend in this paper are juxtaposed in Figure 1 on the next page.

FIGURE 1

The paper proposes detailed changes to frameworks at national and local levels to improve the accessibility and effectiveness of opportunities for empowerment in every context. Combined with the strengthening of strategic local government so that a wider range of meaningful decisions can be taken locally, these changes should help ensure that people in neighbourhoods and very local communities have the chance for:

- **power to influence** local government and services and **call public agencies to account**;
- **power to act** together to improve their locality; and
- where they wish and through appropriate means, **power to take control of some very local public functions** and **to raise extra funds** for improving the neighbourhood.

The key options we have identified for community governance frameworks are summarised briefly below. Table 1 at the end of this section summarises the powers we recommend should be attached to each.

Despite the need for both legislative reform and organisational change, the biggest challenge nonetheless lies beyond the scope of this paper, in the practical work of building effective arrangements for empowerment on the ground. Developing the capabilities and attitudes of citizens, managers, politicians and all concerned, and

ensuring that they can work together constructively to deliver lasting change will involve considerable effort and tenacity. Like any structure, community governance frameworks are not an end in themselves; they will be valued insofar as they improve neighbourhoods and services, engage citizens, knit communities together better and renew our local democracy.

Empowered frontline councillors

Elected ward councillors are the basic means through which people in communities everywhere can be represented democratically.

The role of councillors in community empowerment has been widely debated over the past five years in response to a wide range of policy from the previous Labour government including introducing the Community Call for Action, promoting community charters and neighbourhood agreements and encouraging devolved budgets for all communities. In 2007 the Councillors Commission published findings and outlined a wide range of recommendations about the “frontline” role ward councillors should play in communities. The findings addressed the need to raise public awareness of what councillors do, alongside strengthening their role and providing greater practical support, and working to address the lack of young people, women, black and minority ethnic candidates and people of working age currently in the role.

A Together We Can poll found in March 2006 that only 30% of people know the name of their councillor, but 87% believe their councillors should be involved in any community-led effort to improve their local areas.

Frontline councillors should in future play a key role in engaging constructively with local communities and making sure that local government and service providers respond appropriately to their needs and priorities. It is often only through mobilising collective will and capabilities that real change will be achievable. But there is a limit to the capacity of any part-time councillor to gather knowledge, coordinate services, or channel collective will and choice on their own. What is more, wards are often not the same as the neighbourhoods with which people identify. In many areas, people will want to establish bottom-up frameworks – neighbourhood councils, associations, partnerships or forums – to work alongside and reinforce frontline councillors, and we propose this should be possible through citizen or councillor initiative. We have given particular attention to ways in which this relationship can be made more complementary, and to how local democracy can function “all together”.

Community, neighbourhood and village councils

The clearest autonomous model of democratic community governance is the parish or town council. Citizens can already choose to establish such councils by petition across most of the country, and they more often accord with natural or publicly-recognised community boundaries than wards. Here we make recommendations about how to strengthen these first tier councils to make them more flexible and appropriate for the

current challenges of community governance. These recommendations include streamlined process for setting up, grouping and dissolving a parish council, arrangements to improve their democratic legitimacy and connections to public authorities, and an enhanced 'Community Power' status for neighbourhood or village councils meeting certain standards and engaging with their frontline councillor.

Local community councils could provide the most solid bottom-up framework for neighbourhood governance because they can be independently grounded through democratic legitimacy and statute. While they are particularly appropriate in the rural areas where they presently predominate, they also have considerable potential in suburban and inner-city neighbourhoods, as demonstrated by their flourishing in Milton Keynes, Bradford and elsewhere. However significant capacity building and change will be necessary if they are to live up to this potential and work constructively with local government and other partners in future – otherwise their autonomy will also present risks of ineffectiveness or conflict. They are, nonetheless, unlikely to be demanded everywhere.

Recognised neighbourhood bodies

In the majority of areas where there is, at present, not demand for a democratically-elected community or village council with statutory powers, we recommend that people should be able to establish neighbourhood associations, forums or partnerships which can win recognised status from local government and its partners. To achieve this status, structures should meet certain conditions including openness, accountability and whole-community engagement, and have a principal focus on collective voice and local well-being. They could be given a range of soft influencing rights, such as being empowered to make proposals to the council and LSP partners, to initiate local action planning processes, to be an integral part of local co-ordination arrangements, or to pursue neighbourhood inquiries into local problems; and local authorities could work closely with and delegate further powers or responsibilities to them. Recognised body status would form part of the local communities offer. Its precise detail could be decided locally, while being informed by a set of common-denominator national principles.

Neighbourhood-based service providers, development trusts or action groups meeting certain standards could also take on devolved responsibility for services which public agencies have decided to open up; this is discussed more fully in our parallel services paper.

Community-based housing models and development trusts

Different community arrangements are fit for different purposes. Our initial findings suggest that in the context of an increasing diversity of housing provision and tenure, community-based housing models today have potential as channels for user voice and civic engagement, and as mechanisms through which neighbourhood services can be

shaped and delivered. Some community-based housing structures may provide a basis for or qualify as recognised neighbourhood bodies where they have a suitable geographic basis and are open to all residents, and where the local authority wishes. Tenant management organisations or community housing associations can provide vital supporting infrastructure for neighbourhood engagement to flourish – but they cannot be considered in themselves as an adequate model for democratic community governance. Castle Vale Community Housing Association in Birmingham has recognised this limitation in petitioning for a parish council to operate alongside it, establishing a clearer division of labour between democratic neighbourhood governance and community-based neighbourhood service delivery.

Community development trusts or anchors are likewise an important part of the picture, but should be considered primarily as community-based service organisations. They often have well-developed frameworks of legitimacy including board elections, but the requirement on those boards to take decisions in the interests of the organisation itself presents an obstacle to their functioning as vehicles for democratic representation or accountable decision-making. Nonetheless, they are a vital part of the larger neighbourhoods picture, and will often be able to anchor processes of citizen engagement to incubate forums more focused on local voice and governance and extend their practical activities. In future work we will consider how their role can be developed.

Community initiatives and participatory processes

We are recommending that a variety of opportunities for occasional, ad-hoc or self-organising community participation and democratic activity should be opened up, including:

- **community initiatives** by petition, leading to public hearings, and in some cases eventually to ballots;
- **participatory planning, including community action plans and charters** involving service providers and requiring consideration in the development of higher-level strategies, and area-wide processes by which citizens can help to set priorities, outcomes and budgets for local government and/or other public services;
- **neighbourhood or area inquiries** – a form of practical, participatory scrutiny involving citizens and officials, which frontline councillors can initiate; and
- means for raising funds locally for a time-limited improvement project through **neighbourhood pledges** or possibly a **temporary precept**

Because these opportunities do not require citizens to establish and work through an intermediate structure, they can be available to people in communities and neighbourhoods everywhere. They are likely to be key tools in the repertoire of frontline councillors, neighbourhood councils and other neighbourhood bodies. In response to considerable interest, we have already published initial ideas for community initiatives and participatory processes in *Tools and Processes for Neighbourhood Problem-Solving?* (Young Foundation, 2006).

Wider local democracy and the communities offer

Democratic local government should provide leadership in defining the local strategic framework for community governance, engaging and empowering citizens, joining up services and areas, and generally 'holding the ring'. Our recommendations are collectively designed to build more constructive relationships between representative and participatory democracy and between strategic and local community governance, for instance by encouraging frontline councillors to join community bodies, starting conversations about the devolution of council budgets and services, and connecting local plans into larger strategies in a context where subsidiarity is not always easy to define. It is important that we manage complexity and provide simple points of access to the future framework of local governance: it will need to be less complex and confusing for citizens than is presently the case.

We recommend that with the participation of the LSP and local citizens, local government should make a clear community offering to citizens in the context of its Community Strategy, including a map of natural neighbourhoods and communities, procedures for recognised bodies, services it is interested in devolving and commitments to provide information. It is not only council services which should be open to influence, but those of other local partners.

Local government should engage with communities developing local action plans or charters and seek to ensure that these are practical and can be taken into account in higher-level strategies, as part of wider participatory planning processes. It should provide a strategic core for neighbourhood management, working and support, with other services required to contribute to this; engage with and help to join up bottom-up arrangements such as neighbourhood councils, recognised bodies and more ad-hoc or participatory approaches; enable light-touch regulation; and intervene where dangers such as corruption or conflict arise.

The paper concludes with some observations on how community governance relates to the broader future of local democracy, and suggests six principles for any future remodelling of councils:

1. **Clearer mandates** – a small strategic council executive balanced by ward councillors with a mandate for advocacy & scrutiny on behalf of local communities
2. **A strong "frontline councillor" role**
3. A more **open and participatory approach to public scrutiny**, addressing the range of local services and going beyond the town hall to engage citizens
4. **A greater democratic stake in local partnerships and strategies**
5. Ultra-local empowerment on the basis of **natural neighbourhood and community boundaries**
6. **No overall reduction** in the number of democratically elected representatives

TABLE 1: Summary of powers recommended for community governance structures

GOVERNANCE	RIGHTS AND POWERS
Frontline councillor	<ul style="list-style-type: none"> - Local leadership through small delegated budgets, officer support and publicity for new role - Rights of reply from all local service providers and rights of challenge through community calls to action - Local arrangements for small-scale neighbourhood inquiries - Collective opportunities for cross-service scrutiny and recommendation - Right to join local governance bodies (local community councils, schools, SureStarts, etc.) to set up a neighbourhood forum or propose the establishment of a local community council - Decision-making through devolved structures, where they exist - Standards Board bar to councillor advocacy removed - Ability to initiate participatory action planning and community charters
Recognised neighbourhood body	<p><i>Package largely decided at local level, including:</i></p> <ul style="list-style-type: none"> - A key forum for collective choice and voice in communities - An integral part of all local consultation and co-ordination processes - Voice and influence in relation to higher-level strategies - Ability to initiate participatory action planning and neighbourhood charters - Right of proposal to local public agencies about actions and services to delegate - Delegated budgets or services? - Right of notification for planning?
Local community council <ul style="list-style-type: none"> - with Quality Democracy status - with Community Power status 	<ul style="list-style-type: none"> - General power of well-being - Power to precept - Statutory consultee for planning - All other current powers, plus equivalent rights to neighbourhood bodies <ul style="list-style-type: none"> - Can participate in area governance and scrutiny <ul style="list-style-type: none"> - Able to draw down management, ownership and budgets for certain very local liveability functions – public space (parks, commons), community centres, wardens, small works, etc. - Community calls for action and rights to reply equivalent to frontline councillors - Enhanced influence or co-decision over neighbourhood policing, extended school plans and local section 106 agreements

2. Community, neighbourhood and village councils

There are over 10,000 parish and community councils already established in England and Wales. They are the first tier of local government and carry out a wide range of functions in the community including surveys to understand local priorities, looking after public spaces and buildings including parks, allotments, community centres and community shops, and delivering services to the community that range from managing public space to providing IT training.

Parish, town and community councils in England and Wales have a number of basic responsibilities in making the lives of local communities more comfortable. Essentially these powers fall within three main categories: representing the whole electorate within the parish; delivering services to meet local needs; and striving to improve quality of life in the parish. Community, parish and town councils can also comment on planning applications.

A YouGov poll for LGIU in April 2006 found that **23% of people would like a “new type of elected neighbourhood council”**. A third of us are already served by first tier parish or town councils, but not surprisingly given their marginal position in mainstream local governance, some of these are dormant and many need renewal. We recommend the following changes to the parish framework to fit it to a wider range of contemporary circumstance:

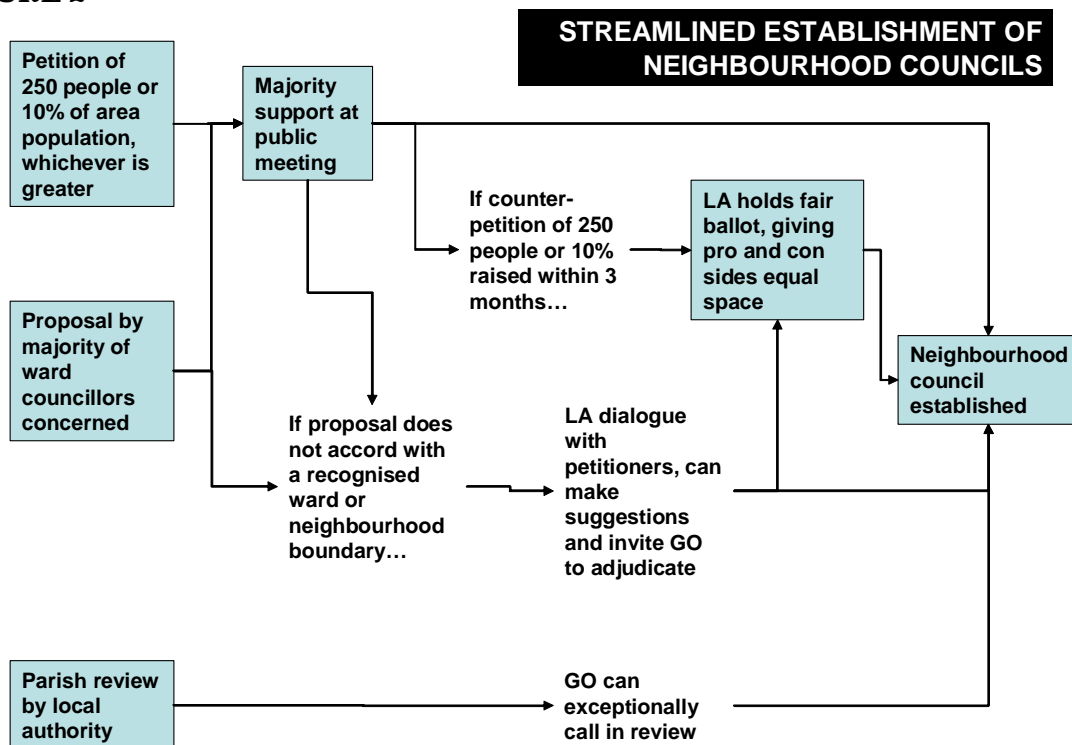
- **Give local community councils a general power of wellbeing** for the sake of innovation, confidence and clarity, while making it clear that their principal purpose is to improve **local liveability** (i.e. community safety, environment, activities and infrastructure).
- **Streamline procedures for the establishment, abolition, merger or clustering** of local community councils.
- **Enable greater variety of democratic mandates and council composition**, encouraging the involvement of frontline councillors, creating more space for inviting partners and local public figures to join and enabling selection of up to two members by lot at local discretion.
- **Introduce a ‘Community Power’ status** for local community councils or clusters thereof, under which those which engage appropriately with their frontline councillor and public agencies should receive additional powers including the right to take over management and budgets for certain very local liveability services (like small parks).
- **Revise the Quality Parish scheme** in light of these developments.
- Establish a **framework of support and incentives** for encouraging further cooperation around community governance and developing capabilities and legitimacy at the very local level.
- **Align the election cycle with the frontline councillor cycle** wherever possible to minimize costs and emphasise their complementary roles.

- **Remove the bar to neighbourhood councils in London** (though, as this paper makes clear, effective lighter-touch arrangements can be established, and in many London boroughs citizens are likely to prefer them).

Establishing, abolishing and clustering

At present, first tier councils can be set up either by the local authority through a parish review, or by citizen initiative; but each one requires the consent of the Secretary of State. We recommend that establishment be streamlined along the lines of the following diagram, to remove the role of the Secretary of State but keep guard against a chaotic or divisive patchwork of community boundaries, and that frontline councillors also be given a power of initiative in this area.

FIGURE 2



- As is the case today, these petitions should be 10% of an area or 250 people, whichever is greater (to incentivise neighbourhoods of appropriate scale and avoid the formation of small gated communities).
- **Majority support at an appropriately advertised public meeting** should be required, to provide an opportunity for contestation and ensure that there is substantial support.¹

¹ Given the increased variety of options for council membership recommended in this paper, this public meeting might also select a shadow grouping to decide the initial composition.

- Where the area proposed accords with ward boundaries or with **recognised neighbourhood and community boundaries** (see section 5 below), establishment could then take place without further need for approval.
- **But if a counter-petition of 10% is raised within three months of the public meeting, the local authority should hold a ballot** of the area, giving petitioners and counter-petitioners equal space to make their case.
- Where the area proposed has no relation to presently recognized boundaries or where the local authority is currently in the process of a participatory mapping of natural community boundaries, it can enter into dialogue with the petitioners, suggest they reconfigure their proposal, exceptionally invite the Government Office to adjudicate, and ultimately require a ballot of the area if it is not satisfied.²
- The establishment of a council for an area of less than (say) 3000 people could require local authority consent in every case.
- We suggest **ward councillors also be enabled to propose the establishment of a neighbourhood or village council** in their area by simple majority, while being required to consult and provide information in advance of a public meeting at which a majority must be in favour. This change would support frontline councillors in leading campaigns for greater community power where it is desired, and in constituting neighbourhood governance arrangements which include them ex officio.
- The council should be permitted to disregard repeat petitions within four years.

The **abolition, merger or grouping of a local community council with others should also be streamlined**, as follows:

- A petition of 10% of the area (removing the “250 people” alternative to make sure this tool is effective in very small parishes).
- Requiring majority support at *two* public meetings six months apart (to provide substantial time for reflection and mobilisation).
- If a counter-petition also signed by 10% of the area is raised against the idea before the second public meeting, a ballot would be triggered.

This process is **broadly symmetrical but slightly more difficult**, as befits the abolition of an existing democratic body. Petitioners could be enabled to propose **hibernation** instead of abolition, being able to bring the council out of hibernation in future by a similar process to that for establishment. **The principal council should also be able to initiate mergers or groupings** through parish review powers rather than by petition, although a counter-petition could still be effective in triggering a ballot in such cases.

Merger and clustering

² Government Offices would not be required to give an adjudication and could first try independent mediation; but such circumstances should come up very rarely provided local government conducts participatory mapping of natural community boundaries and engages properly with its citizens. There may be other addresses for such adjudication.

First tier authorities should be encouraged to collaborate both formally and informally, to foster a culture of joint working and to minimize the risks posed by small councils competing for resources. This has already begun to happen more often: for instance, many parish plans have been prepared in clusters. Three models should be considered, drawing in particular on experience from France:

- **merger** of very small first tier councils where there is citizen demand;
- **clustering** or structured collaboration between a number of first tier councils in a particular local community area, gathering together for service delivery as a forum for democratic voice and scrutiny, or both; and
- where they meet democratic standards, **joining area governance structures** on a par with principal councillors (this will require slight **revision to the 2000 Act's** devolved political arrangements).

Quality standards for democracy, administration and power

There are at present some 10,000 parish councils and meetings in England, differing widely in democratic character and levels of service provision. Some serve tens of thousands of people, but most have populations of less than 5,000, and the 2000 parish meetings all serve areas of less than 200 people. It is natural that their demands, capabilities and influence will vary radically. Some have hotly contested elections and others cannot find nominees to fill their seats. A few have budgets of millions of pounds, but many do not precept. In some places local communities will want to take on a substantial element of service control; in other places they may want a substantial role of democratic representation, community advocacy and public scrutiny; and in yet other areas they may prefer to be served by a more modest approach, closer to that of a neighbourhood association. The spectrum runs from dormant to vibrant, and is much wider than that for strategic local government.³

A clear framework of standards is therefore required to differentiate these bodies. At present the Quality Parish scheme is the main one. It is used principally to qualify parish councils for an enhanced role in delivering delegated local government services, but also as a condition for new powers such as the issuing of fixed penalty notices. But at the time of writing only 697 first tier councils have Quality Parish status (of which 183 are accredited), many of them being larger parish or town councils. This can be attributed to a number of causes, including the limited incentives currently associated with Quality status, and its lack of flexibility with respect to different circumstances. We recommend **the Quality Parish scheme is revised** to establish three simple tests:

- **quality Democracy status** with additional incentives, which would give local community councils solid democratic standing in respect to local government and partners;

³ *Town and Parish Councils and Neighbourhoods* (Local Government Information Unit, 2005)

- **quality Administration status**, which would be a minimum basis for delegation of significant service responsibilities⁴; and
- **community Power status**, providing significant extra powers to tailor or draw down certain local services where the other tests are met and a closer relationship with the level of strategic local government is established, in particular by inviting the involvement of a frontline councillor.

These tests could be applied to individual local community councils as at present. We would also recommend that **clusters of smaller village councils** be encouraged to put themselves forward to meet these standards as a group where they might struggle to do so individually.

These reforms should improve the incentives for good community governance, and fit those incentives more closely to local circumstances so that capabilities are developed more widely and rapidly. Where an existing local community council is failing to meet tests, local active citizens could be encouraged to launch a community initiative by petition, and trigger a public meeting to address the question and encourage their local community council to raise its game.

Quality Democracy

At present the democratic tests applied in the Quality Parish framework are:

- The electoral mandate test, which requires two-thirds of council members to have been elected.
- Two tests of openness to the whole community - the council meetings test, which requires at least six meetings a year with an element of public participation; and the communication test, which requires a mix of activities to ensure transparency and public knowledge of activities.
- The code of conduct test, requiring among other things a register of interests.

We recommend that these be used as conditions for Quality Democracy status, but that the electoral mandate test should be changed in conjunction with the reforms to council composition recommended below, and that the meetings test should include **requiring key decisions to be put up for open debate at public meetings** (e.g. on precepts). The aim should be for **most local community councils to gain Quality Democracy status within the decade**, individually or through clusters.

The mandate test does not presently require contestation, only the possibility of contestation through open nomination. This effectively means not to have been co-opted by the council. In many small villages non-contestation can paradoxically signal a context of vibrant local participation and consensus, and is a rational response to the cost burden of an election. We would however recommend that **contested elections**

⁴ We will not comment further on Quality Administration tests here, but they are likely to include the existing tests for qualified clerk, annual report and accountability arrangements. We would encourage more creativity around shared services between local community councils, and with local government and services. Further proofs of competence may be required locally for delegated service delivery, in particular where more exacting or complex services are under consideration.

are encouraged and supported, especially for areas of a few thousand or more, because they provide an explicit democratic choice and establish a relationship of greater accountability to electors. A culture of “gentleman’s agreement” can undermine openness to democratic challenge, in particular in more heterogenous communities.

Accordingly, the question of funding for local community council elections cannot be ducked. Their cost can be significantly reduced and the local democratic process will benefit where they are **held on the same day with ward elections, so statute should be reformed** to encourage this even where national elections are also being held.⁵ We also recommend **reconsideration of the Electoral Commission’s 2004 proposals for the core funding of electoral services nationally** in light of the new local democracy agenda, including poll cards for first tier elections for councils or clusters meeting certain conditions (e.g. a minimum population of say 3,000). As part of a local charter, principal authorities could be encouraged to **bear at least half the marginal cost of first tier elections**, although this could be conditioned on commitments from the neighbourhood or village council to hold public meetings with frontline councillors and to respect a guidance ceiling on number of members.

Reformed democratic mandates & council composition

Democratic representation is a key challenge for first tier councils today, as it can be for other neighbourhood bodies with elected seats. Research in 1998-2001 by the University of Wales in Aberystwyth found that almost two-fifths of first tier elections did not attract sufficient candidates to fill available seats (a figure which had doubled over the preceding decade). Contested elections were more likely in areas with a high ratio of electors to seats, and in larger councils. Over half of first tier council elections where the population was larger than 2000 had contested elections; over three-quarters of those with populations under 1000 went uncontested. Research in Hertfordshire in the 1990s suggested that the population threshold at which most first tier council elections became contested was around 4,500. Many exceptional examples do not undermine what appears to be the general rule that electoral contestation is more likely in communities of at least a few thousand people.

Changes recommended elsewhere in this paper should help support greater engagement and visibility through first tier councils, thereby improving candidate recruitment and contestation. But a number of simple reforms to composition suggest themselves:

- A **mix of democratic mandates** for councillors should be encouraged
- A **more positive approach should be taken to the inclusion of local experts or public figures**, permitting the mandate test to be met where two-thirds of councillors have a democratic mandate
- Many first tier councils would benefit from a **smaller complement of councillors**
- The **participatory ‘meeting’ model** should be permitted for areas of up to 1000 electors

⁵ At present, where national and principal authority elections are held on the same day, parish elections are postponed by three weeks.

1. A mix of democratic mandates should be permitted. We propose that:

- At least **one frontline councillor already elected to represent the area could have the right to join the local community council as a full member** and count as having a democratic mandate, and others could be invited. 24% of councillors already hold dual membership. This should be positively encouraged, either through dual electoral mandates as at present, or through this more streamlined process.
- Councils could decide to select up to two councillors by lot, either from the whole electorate or from particular groups otherwise underrepresented (such as young people between 16 and 25), with decisions on this subject to a two-thirds supermajority. **Selection by lot should also count as having a democratic mandate.**

We recommend strongly against imposing frontline councillors to chair first tier councils automatically, as may have been contemplated in some quarters. Providing for their full membership is sufficient, and the selection of chairs should be a local decision. Making frontline councillors chair first tier councils ex officio rather than on merit will do little to reinforce their legitimacy and working relationship with colleagues, and could risk alienating thousands of parish councillors and overburdening thousands of ward councillors. Different individuals have different skills and inclinations, and in some cases a councillor may not even wish to take up a seat. For a governance body to function well, regard must be given to the specificity of its human dynamics.

But where new community councils are established at the initiative of local government or frontline councillors, there will of course be greater space for building them more closely around those councillors from the first; and separately, where local community councils join area governance boards with the principal authority, it would be obvious for frontline councillors to chair these larger bodies.

2. A more positive approach should be taken to the inclusion of local experts or public figures, enabling a change to the mandate test.

The current Quality Parish model excludes co-option. But used appropriately, it could bring in key individuals and people with significant expertise who would not otherwise be likely to stand for election. We propose that:

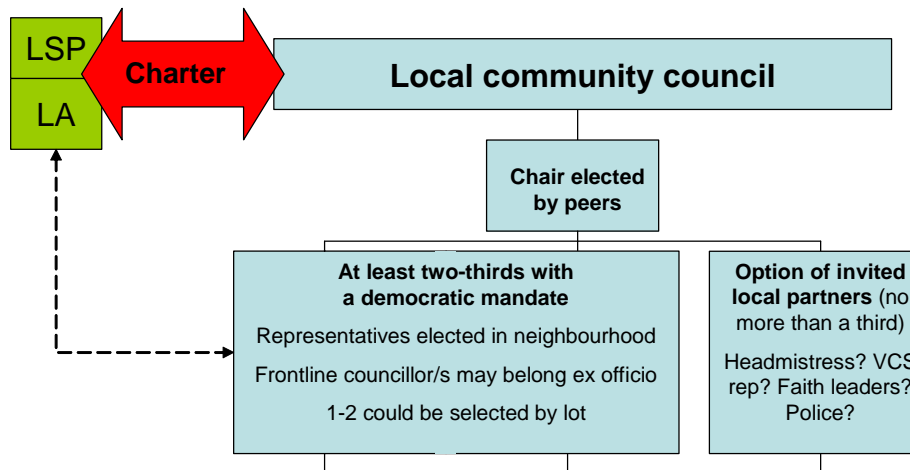
- Up to a third of community councillors could be invited to join with full voting rights for their expertise or what they bring to local working – for instance, the local headteacher or commissioning GP. They would be co-opted by vote only of those who have a democratic mandate, with their appointment being proposed transparently and subject both to majority approval at a public meeting, and to regular public review.
- Provided co-options are done only on this positive basis, and that **two-thirds of councillors have a democratic mandate of some kind**, the

mandate test should be considered to be met for the Quality scheme and other purposes.

- Where small villages group together for a democratic purpose, provided the councillors nominated to the cluster meet this test as a group, the cluster collectively should be considered to meet the test.

Composition could therefore be much more diverse from place to place, as it is in Scotland and in Lille, France. The diagram below illustrates this graphically. A local community council might for instance be composed of five elected neighbourhood representatives, a frontline ward councillor, a member of a new immigrant community selected by lot for a single term, and invited partners – the local primary headteacher, the director of a social action centre who lives in the neighbourhood, or the chair of the parish youth council. Other active citizens might be involved on working groups or more informally.

FIGURE 3



3. Some local community councils would benefit from having fewer seats.

Often for reasons that are long-obsolete, many have a large number – sometimes more than 20. Where there is a scarcity of candidates, they are setting themselves up to fail the democratic test. If electoral energies were concentrated on fewer seats, contestation would increase. Furthermore, evidence suggests that collective executive structures such as boards and executives are seldom able to operate so effectively as the number deciding rises above 10-12: principal council executives are now limited to ten members. Based on our findings, we would recommend that:

- Parish councils facing challenges in candidate recruitment could **change their complement of seats** by two-thirds majority vote, possibly requiring council consent.

- More radically, **when insufficient candidates present themselves, the complement of elected seats on the council could be reduced** according to the number of candidates presented – and if the number falls below the minimum of five and is not supplemented through selection by lot or the invitation of a partner, the council could automatically be abolished or put into hibernation.
- **Guidance could set a recommended ceiling** – of, say, 12-15 seats.⁶

4. Extending opportunities for parish meeting models.

Extensive research into New England Town Meetings found that even for electorates of 1000, public meetings would attract an average of almost 15% of the population – though for larger communities, there are diminishing returns of direct participation.⁷

We would therefore recommend **extending the opportunity for the parish meeting model to areas with electorates up to 1000** where contested elections are infrequent and no direct service delivery or commissioning is required, to enable experiment with this more direct participatory form of governance and satisfy the democratic mandate test.

Quality Democracy status would be a powerful affirmation of a local community council's democratic credentials, strengthen its legitimacy to raise funds, lead the local community and take on delegated power, and bring with it:

- the **ability to join devolved area governance structures as a full member**, to participate in **local scrutiny** processes and to **make proposals to local public agencies** every year;
- the existing Quality Parish right to be an **integral part of all consultation and co-ordination arrangements set up by principal local authorities and other service providers** on how services are delivered in its area; and
- where the council also meets Quality Administration tests, existing ASBO and fixed penalty notice powers.

Community Power status

Local community councils or clusters thereof which meet the tests for Quality Democracy and Quality Administration and engage appropriately with the principal council could receive a new status of "Community Power", making additional rights and powers available. We would suggest the following conditions:

⁶ In many councils it could be that a much smaller number would be appropriate, and in some well-contested large town councils it could be appropriate to exceed this number. In some areas bolder mayoral models might even be tried, but legislation presently sets a minimum of 5 councillors.

⁷ *Real Democracy: The New England Town Meeting and How It Works*, Frank M Bryan (University of Chicago, 2003)

- They should formally **invite at least one frontline councillor** for the area to join the council with full voting rights, unless there is already a member elected to both mandates.⁸
- They should make reasonable efforts to inform and engage local government and relevant service providers at an early stage in any local action planning or development of proposals.
- They should have a **minimum population**, perhaps of 3000 (this will provide incentives for cooperation and clustering rather than rivalry, and safeguard against the administrative burden that might flow from a fragmented patchwork of micro-parishes drawing down substantial powers).

Local community councils (or clusters thereof) with Community Power status should be able to draw on the following additional powers:

- For a few very local liveability functions – including small parks and public space, ‘small works’, community centres, neighbourhood wardens, possibly parking – they should be empowered to **take over management and/or ownership** and draw down the current level of revenue funding, subject to responsibilities of equality and access for all. We would however recommend careful study of the implications of such measures for each of the prospective functions before introducing this power.⁹
- They should have a **very significant degree of influence** over the planning of the neighbourhood aspects of major public services – **neighbourhood policing, extended schools, children’s centres**, possibly public health – and over **local planning gain agreements**, possibly extending to co-decision in the case of the neighbourhood policing strategy.¹⁰
- With respect to the range of local services they should have **rights of reply** and of **community call to action** which are equivalent to those of a frontline councillor (albeit as a collective body), including the ability to call service providers to public meetings and for joint action planning or neighbourhood charter development.

In the devolution or delegation of any services to neighbourhood level, as well as in the wider framework of neighbourhood governance, clear safeguards will need to be put in place to ensure that they are not captured, parochial or exclusive. For instance, a local park should remain open to all visitors on the same terms, not become a gated garden for neighbourhood residents; equalities frameworks should apply and local minorities’ rights be respected.

Precepts and the general power of wellbeing

At present, parish and town councils have a lengthy and restrictive list of powers relating to specific issues such as allotments, cemeteries and village halls, and can

⁸ The councillor invited could decline or ask a fellow-councillor to substitute, but should be invited every election cycle.

⁹ For these restricted functions, the power in the dialogue between principal authority and local community council around would thus move downwards, where previously Parish Charters on the delegation of local authority services have remained entirely at the discretion of the principal authority.

¹⁰ This could play itself out differently in regard to each service. In the case of extended schools, where the governance framework is still up for discussion, joint structures could be established with the local community council.

precept or request funds from the local authority for these. They also have a power to precept for general purposes which is presently capped at £5.30 per elector.

This framework is archaic and restrictive. We recommend that it should be made clear that the principal purpose of local community councils is to improve **local liveability** in its widest sense (community safety, environment, activities and infrastructure), and that any delegated or drawn-down powers should relate mainly to these issues. But they should have an independent **general power of wellbeing** to enable them to innovate, respond to unpredictable local circumstances and needs, provide a wide range of top-up services, and in general act with greater confidence. That power, and the level of precept raised, should not be subject to any preordained cap, instead being limited mainly by local people's wishes and a backstop of local government oversight. These safeguards could include:

- Putting the level of precept to a public meeting, and giving citizens the right to challenge it, for instance through community initiative processes.
- Limiting the rate of precept increase to 15% per annum except with the principal authority's approval.
- A reserve power of capping for central government under certain limited circumstances, which should hardly ever be used.¹¹

Accountability and participation

Principles of inclusive local participation, deliberation and consensus formation should underpin all community bodies' practice. Parish meetings, in particular those where citizens are able to put issues on the agenda, deliberate, take or shape decisions, and participate in open session, provide a strong example of good practice in this area and should be a central part of future arrangements.

For key decisions, for instance whether to request devolved services, how to tailor them, approving a community charter or setting the level of the precept, support could be gauged at open public meetings. Other principles, such as accessibility of councillors and the inclusion of young people, could be established. The existing practice of parish planning (which has delivered some of the highest levels of participation anywhere at very low cost) should be transferred and built on, being used to help set visions, action plans, and potentially to shape charters with principal authorities and public services. Practical neighbourhood inquiries are another example of good practice.

When developing action planning and community charters, councils should be required to conduct an open participatory process, and to make all reasonable efforts to inform and involve the council and other relevant public authorities at an early stage to help develop partnerships and improve the fit with higher-level strategies. These should be the key tests for action plans and charters to be taken into consideration in the development of Community Strategies and other plans.

¹¹ The bureaucratic architecture required if this were to be used on a regular basis would be prohibitively complex and disproportionate.

Community initiatives and parish polls

Finally, we recommend that our proposals for community initiatives by citizen petition as described elsewhere¹² should fold in and reform the existing parish poll mechanism (the bar for which is set inappropriately low at present, enabling a tiny and unrepresentative minority to trigger an expensive procedure). We have recommended that the opportunity for direct community initiatives by citizens be established, under which a public meeting with councillors and officers could be triggered for petitions reaching a threshold of say, 3% of a local community (150 people in a neighbourhood of 5000). Further rights of audience, investigation and reasoned response from public agencies would be available for initiatives which go on to reach a threshold of say, 1% of the principal authority population, and when very considerable support (say 10% of the area) is secured, a whole area ballot could be triggered, though it would not have to be binding. An element of public deliberation and including elected representatives in the process are two key safeguards against these processes being hijacked or ill-considered.

In areas with a local community council, we would suggest that a reformed parish poll process could be initiated through a community initiative, with a petition of 3% of citizens triggering a public meeting. If a majority of those present at the meeting then want a non-binding neighbourhood ballot held on the initiative, it should go ahead (immediately if it is a pressing issue, or simultaneously with the next scheduled elections to save on costs if it is a longer-term question – so the requirement for a poll within twenty-five days should be removed). A community initiative securing support through a ballot would carry greater democratic weight, albeit informally. The initiation of polls through this process could also be enabled in unparished wards, where the frontline councillor consents and funds are found – or, indeed, within other frameworks decided by the strategic local government.

In certain clearly delimited cases, it might be possible for ballots to be treated as binding; but this would require very careful consideration and further policy development.

¹² See "Tools and processes for neighbourhood problem-solving" (Young Foundation, 2006)

3. Empowered frontline councillors

Frontline councillors should be empowered by improving opportunities for them to work for their communities in five ways:

1. **Community leadership** – giving them a public mandate, powers and support to help engage communities in participatory governance across services, identify collective priorities and ensure they are tackled (leadership as we understand it is a generous process which includes listening, empowering local people and encouraging other leaders to emerge).
2. **Decision-making** – via small delegated budgets, devolved area governance or a seat on other bodies, such as local community councils or local schools.
3. **Community advocacy** – making the case to authorities, leading civic campaigns, taking forward community initiatives.
4. **Brokering and signposting** – pointing people in the right direction for information and action, introducing them to each other and facilitating cooperation and collective action.
5. **Practical scrutiny and holding to account** – rights of reply and community call to action across the full range of local services, scrutiny through area structures, scrutiny panels, and support for occasional neighbourhood inquiries.

We do not have to work from a blank slate: ward councillor roles as they exist already contribute substantially to this framework. Individual casework and the constituency surgery remain important means for interacting with individual constituents and getting a sense for what broader issues may need to be considered. Opportunities for involvement in whole-authority scrutiny or policy development also strengthen the role and connect it to the larger system of governance. But change could be particularly beneficial in the following areas:

- developing the national enabling framework;
- extending and refocusing local council delegations;
- campaigns and reforms to improve the visibility and public understanding of the role, including orientation and learning for councillors themselves; and
- officer support as part of a wider framework of cross-service joint tasking and citizen engagement.

Strengthening frontline councillors through the national framework

Establish better arrangements for councillors to work constructively with community bodies

- Frontline councillors should have the **right to join local governance bodies** – local community councils, schools, etc. – and a first tier council should be required actively to invite them to join if it is to receive Community Power status.

- They should be empowered **to set up community or neighbourhood forums** where none currently exist, which could simply take the form of a regular public meeting or community surgery, or could where there is local demand take on a board and become a recognised neighbourhood body. Where strong or recognised bodies already exist, councillors should be able to join and work closely with them.
- The majority of councillors in a ward concerned should be empowered to **propose the establishment of a community, neighbourhood or village council**, while being required to consult on this, provide information and hold a public meeting at which a majority must be in favour – thereby supporting councillors in campaigning for greater community power where it is desired, and in constituting neighbourhood governance arrangements which include them.

Enable frontline councillors to act across public services

- Frontline councillors should have **rights of reply** and (corporately) **scrutiny and recommendation** over the full range of local services.
- As part of this, councillors could be given a limited power **to call officers from other services to public meetings** where there is a problem, to draw them into partnership working and joint tasking, and to champion a **right of public involvement** without having to trigger a Community Call for Action as a last resort.
- Frontline councillors should be given a **clearer role in relation to LSPs**, “mini-LSPs” and community strategies - through scrutiny, membership of area and theme groups, and also potentially a direct channel for councillors to raise issues.
- They could be enabled to champion and broker participatory action planning, **community charters**, neighbourhood inquiries and other processes.

Strengthening frontline councillors: good practice and innovation

A wide range of good and innovative practices can be encouraged through guidance, local government good practice networks and other means:

- **Small delegated budgets or facilitation pots**, available to councillors for minor improvements, quick wins etc.
- More support for **scrutiny functions engaging the public** – alongside major reviews, funds should be allocated to support focused and participatory **community inquiries** on issues as they arise
- Experiments with **better remuneration** for individual councillors (one per ward?) who are prepared to undertake an enhanced role of “community champion” and to commit more time to it
- Clear **job descriptions** for frontline councillors and maps of key relationships.
- Providing councillors with practical **officer support** and cooperative relationships, in particular through cross-service joint tasking, community engagement and neighbourhood management

- **Service budgets devolved** to area structures or neighbourhood bodies, including discretion and virement powers
- **Clear escalation processes** to executive or oversight
- **Avoiding the use of party whips** in neighbourhood or area bodies
- **Walkabouts** (e.g. with PCSOs) and street-level citizen engagement
- Councillors **leading direct action** (e.g. clean-up campaigns) and participatory planning or budgeting processes
- Encouraging and supporting the use of **new social media tools** by councillors, including Facebook groups, twitter, blogs (e.g. ReadMyDay), campaign sites (e.g. CampaignCreator), or local PledgeBanks
- Clear public communication and campaigning about what councillors do (including stories of success), supported by better induction and recruitment processes

In each area, instead of the framework that empowers frontline councillors being left simply to the executive, we would recommend that it should be shaped with them through a deliberative process involving the full council assembly and citizens. In areas with both counties and districts there will remain tensions about **which tier has the “frontline councillors”**; they could share or divide the responsibility, but will need to consider the extent to which citizens can – or cannot – discriminate between tiers. We would suggest that any national framework on frontline councillors should apply to all strategic councils (this is not the case for present proposals on the community call to action).

There is some resistance to the idea of requiring training for councillors: a democratic mandate is considered sufficient qualification. But the complexity of local network governance and the value of tools and approaches such as those referred to above suggest that **when a new frontline role is introduced, a “briefing and orientation” process be required** for councillors to take it up. This would be a short, carefully-designed, participatory primer in getting things done in local governance, community advocacy, and a menu of tools and further practical, on-the-job learning from which they can choose. The LGIU has also recommended the establishment of a **qualification for councillors**, and joint training for councillors and communities. While participation and representation should complement each other, negative dynamics have developed in many cases. All participants in community governance are likely to need training or awareness-raising if unproductive conflict is to be avoided and good relationships built.

Frontline councillors are most empowered where they channel the collective will of their citizens, through sustained and positive engagement with communities, encouraging local initiative, self-belief and leadership, identifying public priorities, directing this democratic energy effectively to influence the decisions of local government and service providers where it does not run against the common good, and mediating where it does. This is a living democratic process, and mostly, we cannot legislate for it. However, the measures outlined here should help, and may reinspire sitting councillors and attract a new generation passionate about community advocacy and local leadership on the ground.

4. Recognised neighbourhood bodies

The majority of areas in England today do not have an elected community council, and probably would not yet want one. But a wide variety of non-statutory bodies already exist in places whose aims include helping to articulate the collective voice and priorities of ultra-local areas and contributing to well-being through local action or governance. They provide a **participatory bottom-up complement to ward councillor representation**, are established on different models and tend to be called by many different names: “community associations or forums”, “neighbourhood partnerships”, “estate action groups” or “New Deal for Communities boards”.

In this section we seek to draw out the similarities between these bodies. They can provide a valuable framework for citizens in a community to self-organise, discuss issues, identify and articulate collective priorities and take action. The YouGov poll for LGIU in April 2006 found that **35% of people would like a “neighbourhood forum which anyone could attend”**. They are most useful where they facilitate a lively and constructive dialogue between citizens and with local authorities, rather than acting as a closed talking shop for grievances or wish-lists. But they can present a number of difficulties:

- Because of their bewildering variety, patchy coverage and unclear nature, it is not always clear to citizens, councils or service providers **what status to accord to such bodies**, and why or how to engage with them
- There are risks of unrepresentativeness and **capture**
- In some cases, the border of legitimate advocacy, challenge and campaigning can be crossed and **negative dynamics** of competitive antagonism develop with councillors or authorities (although the fault can often lie on both sides)

We therefore recommend that a status of “recognised community bodies” is defined, with the following characteristics:

- only bodies meeting certain standards (including openness and local rootedness) could win recognised status;
- recognised status would confer a clear set of basic rights, powers and responsibilities on neighbourhood bodies;
- recognised status would form part of the broader communities offer to be agreed by local government with its LSP;
- bodies should have an ultra-local rather than area-wide focus, and should represent an area reflected in the local map of neighbourhoods and natural community boundaries; and
- groupings which are not “recognised community bodies”, including more informal groups, organisations which have more of a service focus, and those which serve communities of interest rather than locality, should still be able to act as channels of voice and advocacy.

There are three options for introducing a recognised status. A national framework of standards and powers could be established for such bodies through legislation and guidance. Alternatively, it could be left to local government and LSPs in each case to

determine a locally specific framework of standards and powers. We would recommend a third option: **government and local authorities should work together with other partners to agree a set of common principles for recognised bodies.**

These principles would be flexible to local circumstance and open to change over time, but would provide a minimal level of consistency and simplicity for citizens and service providers.

We have recommended above that **frontline councillors should be able to establish community forums.** At their simplest, these would be regular public meetings or community surgeries. But if they decided to develop greater independence and standing, they could become recognised community bodies.

We recommend that **six principles** identified through our research should be used to determine whether bodies other than first tier councils have a legitimate claim to speak for their neighbourhood:

- There should be a *community majority* on the board.
- The body should win a *community mandate*, indicated through support through a petition and public meeting, open to challenge.
- The main purposes of the body should include *articulating collective voice and promoting local well-being* for the *community*.
- It should have a *recognised local focus*, identifying boundaries based on the local map of neighbourhoods and natural communities.
- The body should operate according to *standards of openness, participation and inclusion*.
- The body should *engage constructively with local government, service providers, and the wider area* as appropriate, while being clearly autonomous from public authorities.

Each of these principles is described in more detail below.

1. Community majority - A majority of the membership of the community body's board or steering group should be local - residents, representatives of local community groups, or frontline councillors. Frontline councillors should have a right to join such boards, but should be a small minority of the 'community majority'. These conditions are already met by most, but not all, neighbourhood management pathfinders and New Deal for Communities schemes.¹³ We would also suggest a strong presumption in favour of local representatives standing on an individual basis. Where seats for representatives of local community groups *are* included, they ought to be either co-opted, or selected through an open process; to be genuinely local; and ideally not to exceed the complement of residents.

2. Community mandate

A **petition** with a minimum number of signatures from the area (in Birmingham, neighbourhood forums require a petition of 25 names) could be raised in support of the organisation becoming the recognised community body for that area, and an appropriately publicised **public meeting** should be held at which a majority must

¹³ Not meeting this condition in future would not disqualify them as NM partnerships or NDCs, only as "recognised neighbourhood bodies": without a neighbourhood majority, they are better defined as bodies for service coordination and joint tasking.

be in favour of this move. (Removal of the community mandate could be triggered by community initiative, to guard against capture and unrepresentativeness.¹⁴)

3. Collective voice and local well-being purposes

Identifying and articulating the collective voice and priorities of the whole community and promoting well-being for all should be among the main purposes of the body.

4. Recognised local focus

Structures seeking to become recognised community bodies should define the boundaries of their community or neighbourhood, based on the local map of neighbourhoods and natural communities recognised by local government and the LSP, and this should also be subject to majority approval at the public endorsement meeting. Where some uncertainty may remain and a reasoned case has been made, it may be appropriate to mediate disagreements and review the map, which should in any case be determined on the basis of participation and consultation. In particular where the local map is divided into small “home neighbourhoods” of less than 3,000 people, community bodies could be recognised for grouped areas provided there is a reasoned case accepted by the local authority (in particular, that these neighbourhoods share key public facilities or services and have an element of publicly recognised common identity).

Two further questions – population size, and whether overlap or duplication is to be permitted – could be left for local decision. We would recommend that very careful consideration should be given before any “community body” is recognised for a population of more than 15,000: the neighbourhood management pathfinder evaluations and other research suggest that beyond this threshold, neighbourhood shades into the geography of the wider area and potential for local participation is truncated. Equally, we would recommend against the recognition of bodies for populations of less than 3,000-4,000 (in particular in urban areas) to provide incentives for collective organisation and limit risks of fragmentation and street-by-street NIMBYism. In an urban context the 5,000 to 10,000 range may be most appropriate.

5. Openness, participation and inclusion

Recognised community bodies should operate according to principles of openness, participation and inclusion, such as the following:

- Membership or the right to participate in public meetings and shape the composition of any board should be either automatic for all residents, or open to all without financial barrier, and should not exclude any tenure present in the neighbourhood (associations excluding renters or homeowners from participation would not qualify). It could optionally also be open to those who own property or work in the area.
- Recognised bodies should hold at least (say) four well-advertised public meetings a year with the opportunity for public participation and proposals. Minutes of meetings should be publicly available.

¹⁴ We believe legitimacy can be reinforced through opportunities for contestation such as this. A petition signed by 3% of the neighbourhood population could trigger a public meeting convened by a frontline councillor, and if there was majority support for removal of the neighbourhood mandate from the body at that meeting, the councillor could take this recommendation up. If the initiative itself seems to be unrepresentative of broader opinion it could be disregarded, unless it grows substantially. If it appears to be a symptom of deeper community conflicts, a participatory “neighbourhood inquiry” process could be initiated.

- The body should have an appropriate mix of communications activities, which could include public notices, a newsletter or website.
- Seats on steering groups or boards should be open to contestation, for instance by the periodic election of residents at a public meeting or by more innovative means; the board should also be able to change its own composition with respect to uncontested seats allocated to other partners.
- Where formal proposals are made to local government or service providers by the body, they should be appropriately consulted on, and typically approved at a public meeting and submitted with statements of participation.
- Recognised bodies should employ a process of public participation to develop any set of priorities, action plan or a neighbourhood charter.
- Bodies should be required to operate on non-discriminatory principles, not exclude any community or individual, and work to promote good community relations, to guard against capture by extremist groups.

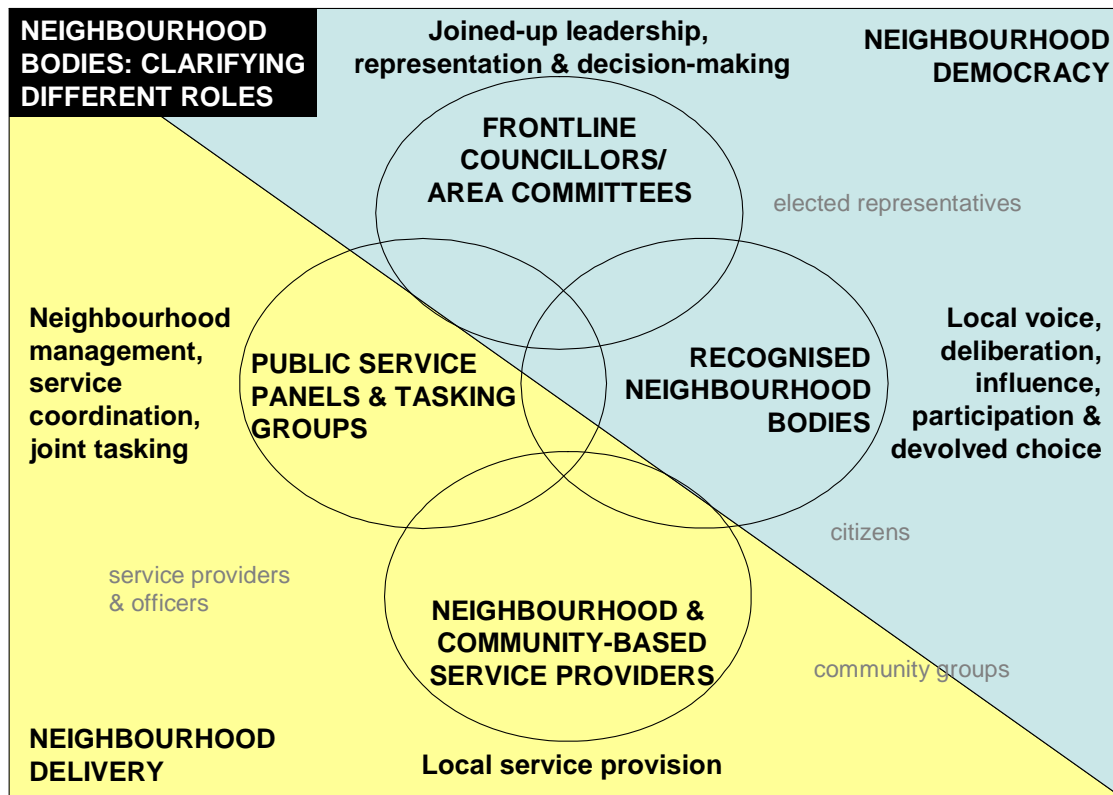
6. Engagement with authorities and the wider area

The body should engage constructively with local government and service providers. Local councillors should be invited to all public and board meetings, given the right to speak, and join the board if they so wish. The body should also make reasonable efforts to inform and engage local government and relevant service providers in any local action planning or the development of proposals, and to participate in wider area meetings, such as area committees or forums. On the other hand the body should be primarily bottom-up and clearly autonomous of public authorities, not a dependent consultation arm (although this should not prevent the council or police from helping to initiate such bodies and providing support and publicity).

Taken together, these tests would not be obstructively onerous, and should help to establish a common status for such bodies in the minds of citizens and public authorities. They should also guard against capture and encourage a more constructive engagement with partners and councillors.

Where an existing community body does not meet all the tests, it may be able to reform itself accordingly, or (where this is not possible) to foster the establishment of an associated forum which does. Clarity is vital. As Figure 4 below indicates, different bodies, committees and partnerships play different roles.

FIGURE 4



The primary role of recognised community bodies should be to develop local voice, deliberation, influence, participation and associative life. Considerable value of a different kind can flow from bringing together service providers for joint tasking in partnership frameworks which may have little or no direct councillor or resident involvement – though it is good practice for them to be influenced by more democratic bodies and processes. Equally, there are community bodies whose principal function will remain service delivery rather than voice, and there will be powers which only councillors can exercise.

Under these conditions, recognised community bodies should help to complement the representative democratic function of frontline councillors by providing a point of focus for more participatory processes of local association and collective voice. Recognised status will in itself strengthen these bodies' ability to engage with citizens and authorities. We recommend that recognised status should also confer further rights or privileges, which could include:

- Being recognised as the **key forum for collective choice and voice** in the neighbourhood and complement to frontline councillors
- Being an **integral part of all consultation and co-ordination arrangements** set up by principal local authorities and other service providers on how services are delivered in the area – for instance, participatory budgeting or planning processes and **neighbourhood policing panels**, which should co-ordinate their geography with recognised neighbourhood and natural community

- boundaries wherever possible to ensure that community engagement mechanisms do not suffer from duplication or conflict
- Rights of **voice and influence** in relation to higher level strategies.
 - The ability to initiate and convene **participatory action planning and community charters** in the area
 - The **right to make reasoned proposals** (possibly subject to an annual limit) **on any local liveability issue** to the council or other local public agencies and LSP partners, and to **propose specific services or parts thereof for delegation** to the body or another provider, where value could be added at neighbourhood level
 - A **right of notification** for local planning applications
 - In some cases, **delegated power or co-decision over enabling budgets**, or even services where capacity permits
 - A **small annual grant** of a few hundred pounds or more, or the ability to request small grants for specific purposes

These are mostly “**soft rights**”: they do not compel authorities to act, but establish legitimate public grounds on which recognised community bodies can speak up, act or intervene in local processes. As such, while they could be encouraged nationally and one or two might be given force, most are likely to have most effect where they are freely adopted by local government.

National agreement on a “recognised” status with minimal common conditions and attributes would bring greater understanding and visibility to community bodies. But our recommendations are deliberately designed to build on the variety of arrangements presently in place and to permit that diversity within and between areas, given that in each case it has grown out of local circumstance. Experience from areas such as Birmingham and (in the USA) Portland, Oregon nonetheless suggests that the level of local government’s commitment to such structures – in terms of developing constitutions, dispute resolution, fostering umbrella associations and making a real commitment to dialogue – is a key factor in their success or failure.

We have concluded that democratic legitimacy is an essential foundation for stable community governance, whether it is grounded from above through a devolving local government, or from below through neighbourhood elections. Local community councils, having an independent basis in statute and whole-community elections, can hold certain powers as of right. Recognised community bodies will draw informal legitimacy from their achievements and their processes of accountability and engagement, and may be delegated very considerable extra powers by a local authority. But the argument that unelected bodies should have an automatic right to take over the place-shaping functions of elected ones will seldom (if ever) be sustainable democratically. It is for this reason that, although neighbourhood forums and partnerships should not be considered as inferior forms of organisation to local community councils, they should not automatically receive the same rights. If local people want the independent powers of a community council, they can set one up.

New Deal for Community lessons – constructive relationships, evolutionary paths, local leadership

Many lessons for the future of community governance can be drawn from the experience of the 39 New Deal for Communities schemes. Below, we compare the very different experiences of the Aston and Burngreave NDCs in their early years. They show the importance of a good relationship between public agencies and community bodies, in particular in a regeneration context. Aston shows the dangers of isolating community-led bodies, and Burngreave reveals the value of community-based leadership and charters between authority and neighbourhood, in particular where significant funds are involved.

Three years after its inception, central government had to step in and replace the local partnership which had been running Aston Pride. The reasons were complex, local and multifaceted. But an important root of the problem was the failure of the local community representatives on the one hand, and the council alongside other service providers on the other, to work constructively together. The principle of community-led NDCs developed into rhetoric of separation from, even opposition to the city council, while the council and its partners seemed content to stand at a distance and avoid bringing their services to the table for reshaping and to build mutual trust. To entrench Aston Pride's "independence" a company limited by guarantee was set up, but the framework of legitimacy and contestability it offered was insufficient and conflicts grew up. Despite the level of funding, no solid management was put in place to support and challenge the board and partners, and community representatives received insufficient training to tackle their complex tasks. The critical role of mainstream services in lasting change was lost. The NDC was subsequently relaunched with a greater focus on reshaping service delivery and has made considerable improvements.

Burngreave NDC ran into conflicts even faster, in particular between Sheffield City Council and a local community action trust. Only five residents were initially elected to the NDC board; arguments and mutual suspicion grew, the relationship with services broke down and intervention was considered. But after the resignation of the chair (a councillor) and chief executive, a new structure developed with the leadership of a strong resident chair, including a substantial elected resident and VCS majority and an independent legal entity. One key element in rebuilding trust was the "Advancing Together" charter agreement with the council, which established baseline levels of spending and enabled the NDC to fund services which were clearly additional. Agreements with other services followed. Burngreave has many examples of innovative practice, such as unusually good co-operation with the Learning and Skills Council on a community learning programme, and a lively independent community newspaper. Getting contestation of ten elected board seats nonetheless remains a challenge.

In general, we would suggest that the level of central funding allocated to NDCs was too high, often paradoxically disempowering local residents, and discouraging services from engaging. Neighbourhood management approaches have tended to provide better value, often with effective democratic involvement (in Gospel Oak, door-to-door elections delivered). The evolutionary lifecycles of neighbourhood empowerment need to be considered very carefully. NDCs now have a variety of legacy strategies for long-term sustainability, many of which involve community development trusts and asset portfolios. Interestingly, some - like Bradford Trident - are petitioning to establish a parish council as a democratic complement.

5. The wider system of local democracy

This section provides a brief analysis and recommendations for how communities connect into the wider system of local governance. Councils will need to decide where to strike the balance between encouraging consistency of arrangements and local variation. Local government should have the key role in setting the strategy and having accountability for community governance in their area, in at least six ways:

1. Through a participatory process involving the LSP and local citizens, it should develop and publicise a **clear community offering** to citizens to form part of its community strategy – including a map of natural neighbourhoods and communities, procedures for recognised bodies, and services it is interested in devolving. These elements already exist in many places, for instance in Parish Charters and strategies for opening up services to the voluntary and community sector.
2. A strong leadership role for **frontline councillors** should be established in this context, with concrete steps taken to empower them as outlined above, and a new look at practical and cross-provider scrutiny.
3. With its partners through the LSP, the council should establish an **operational cross-service framework for joint tasking, co-ordination and community engagement** across the area - providing a strategic framework for light-touch neighbourhood management in the context of which significantly greater support could be given to deprived areas. Other services would contribute to this under a new duty to co-operate.
4. It should ensure that **rich, accessible and useful community information** – including about statistics and over time, budgets and public priorities – is readily available to all.
5. Local government should ensure **strategic plans are developed in a open and participatory way**, including via the LSP and LAA, and engage with neighbourhoods developing **local action plans or charters** to build capacity and help them feed into and take account of area-wide strategies.
6. It should **engage constructively** with and help join up bottom-up arrangements (community councils & recognised bodies), enable **light-touch regulation**, **intervene** where dangers of corruption or conflict arise.

Map of neighbourhoods and natural communities

A map of neighbourhoods or natural communities for each locality will be particularly important as a foundation for citizen engagement and organisation, as well as for gathering statistics. It should not only identify particular focus communities, but cover the whole of the area. We recommend that working with the Local Strategic Partnership, local government everywhere should engage with local people to establish broad consensus on a map of natural neighbourhoods or communities with which they identify, reaching down to areas of several thousand people as appropriate, while taking account of the existing geography of bottom-up neighbourhood governance structures. This process has already been carried out in many places, including Sheffield and Birmingham. It may take more than a year to do participatively, and should be open to

debate and revision. But it is vital to establish a recognised landscape of neighbourhoods within which people understand where to act collectively and organise voice. Wards may be used in some places if they make sense to citizens and are the right size, but this is often not the case. Whereever possible, output areas should be used as building blocks, and the map should provide a basis for other service engagement (for instance, neighbourhood policing panels) as appropriate – although not for all services. When maps have already been developed by the council or police, they could be adopted or varied by the council with LSP agreement.

Draft questions for councils about their neighbourhoods offering

- Have you engaged with local people to identify the neighbourhoods and communities of interest with which they naturally identify?
- Do you know what communities want their neighbourhood to be like in 10 years time, and how it fits with the bigger vision for the city or county?
- Is this reflected in your community strategy?
- Do you know what are the local needs and priorities and what action have you taken to shape services to meet those needs?
- What action have you taken to join services with those of other local public bodies and to improve access for people in neighbourhoods?
- Have you given the ward councillor power and influence to do things on behalf of their constituents, and have you given them the practical support they need?
- Have you considered and put in place arrangements so that communities, where they decide, can easily
 - Influence policy decisions and the allocation of funding?
 - Hold to account for delivery on decisions?
 - Take on powers to own or manage assets or services?
 - Take on powers to raise funds and spend them locally?
- Have you got arrangements in place to get feedback on the impact of all these actions and be sure they are working to empower local people?

Richard Kemp, Together We Can conference, 30 March 2006

Area working, devolved structures and community governance

Local authority area working can be divided into three categories:

- *Devolved political arrangements* – generally involving area committees of ward councillors (extant in 51% of leader-cabinet authorities by 2002, and holding formal decision-making powers in 26% of all authorities by 2004); in many places there are also participative area forums which have few formal powers but are used as sounding-boards for consultation (present in 54% of authorities by 2004)¹⁵
- *Decentralised administration and service delivery* – involves council staff from some functions starting to work in area teams or neighbourhood offices (sometimes coordinated with political devolution)
- *Locality partnership working* – bringing a variety of partners together around action plans or regeneration programmes, from neighbourhood up to authority-wide level.

According to comparative reviews of British and European models, local authority area working tends to be organised on areas with populations of between 20,000 and 100,000. There are two typical models: small area structures (of up to a handful of wards) covering roughly 20,000-40,000 people, and district or constituency structures of several wards covering 50,000-100,000 people. The latter scale is particularly common in European cities. Judgements as to what size is appropriate tend to be determined in part by local circumstance – for instance, the pre-existing natural “townships” of Rochdale are served by small area structures. Kingston-on-Thames had seven “neighbourhoods” (initially conceived as urban parishes, but set up as area committees), but was forced by boundary and electoral changes to changing this to four, which reflect local identity less well.

The scale of local authority area working is also influenced by the logics of administration and partnership. Some big English cities, like Birmingham and Liverpool, have recently decided to move from small area structures toward a larger scale. This step has been taken in part to improve strategic working with non-council partners below the level of the Local Strategic Partnership, and in part because that level is considered to make more sense from the point of the decentralisation of council services and administration. Small area or ward committees often persist in parallel, with occasional concomitant tensions. Over the coming years, continuing experiment and a gradual rationalisation of council area working structures seem likely in the light of a growing body of evidence and experience. In particular in large cities or counties, area working and community engagement can be very complementary. Birmingham sees the district framework as configuring the council and its partners to engage more effectively and responsively with a variety of bottom-up neighbourhood arrangements.

Local authority area working is sometimes closely aligned to natural neighbourhood and community boundaries, in particular when it comes to small towns. However, it is

¹⁵ “Implementing the 2000 Act with respect to New Council Constitutions and the Ethical Framework” (ODPM, 2003); “Making Decisions Locally” (LGA, 2004)

commonly constrained by ward boundaries and almost always takes place at a level of geography and population substantially larger than that of any recognisable “neighbourhood”. Practitioners of area working therefore find themselves challenged at once to engage strategically with a population of many tens of thousands, and to work through the specific problems of their neighbourhoods on a piecemeal basis. Area-wide light touch neighbourhood management models are being tried in Wolverhampton, Salford, Knowsley and Doncaster.

Managing conflict and consensus in neighbourhoods

Very often, successful neighbourhood governance involves the development of broad consensus around particular visions, norms or strategies locally. There are a range of practices and approaches which can support such processes. However, consensus is not always achievable – or desirable. Where real conflicts or difficult political choices exist, it can be better to work through them than to hide or shy away from the issues. However, this is something which communities often find hard to do. Difficult issues such as incapacity benefit or group conflict may be avoided because they are unpopular or dangerous. Leadership, mediation, challenge and support will play an important part in such cases. In general, further consideration of the balance between building consensus and working through conflicts, and of the implications for governance structures, is needed.

Associations of community councils

Various associations of community organisations already exist, operating as forums for horizontal cooperation between bodies, shared services, capacity-building, and collective strategic engagement with local government. Such organisations can play a key role in helping to develop the local infrastructure of community empowerment.

County Associations of Local Councils often have annual budgets of around £100,000. Birmingham has a similar Association of Neighbourhood Forums. We doubt whether central government should provide long-term grant support directly to individual neighbourhood bodies, other than in deprived areas: it would be preferable for such funding to be local, based on considerations of public value. However, there is an argument for central government to provide support to effective *associations* of such bodies, because these can play a key role in encouraging co-operation between areas and building the capabilities of both citizens and institutions. Central government could commit to match member subscriptions or local authority grants to these bodies, up to a certain ceiling, and provided they are prepared to engage both local community councils and recognised community bodies.

Neighbourhoods mediation

The Joseph Rowntree Foundation, among others, have proposed a framework for independent light-touch mediation between local government and neighbourhoods where serious disagreements and conflicts arise. This could be provided for in the first instance through one or more nominated council or LSP officers, and through local partnerships and governance arrangements. In more serious cases, it may exceptionally be advisable for the Government Office to be able to call in an independent “external mediator”. In very serious cases, such mediators might publish a public report, or take other measures.

Future council structure and joined-up local democracy

The focus of this paper is on bottom-up options for community empowerment. The majority of its recommendations are bounded accordingly, and designed not to require change to principal council structures. However, below we briefly address from the community angle how local government might evolve over the next decade in the direction of “joined-up” democracy, linking in local community councils and other arrangements.¹⁶

Frontline councillors should play a key role in the empowerment of communities. But today they are too often seen less as advocates representing local citizens and communities upward to local government and services, than as officials representing the decisions of the council back down to electors. As we have argued in this paper, they would benefit from a clearer community-focused mandate, and better connections with bottom-up frameworks. It is important that democratic channels fit together clearly and effectively. **Some barriers – for instance, the fact that first tier councillors cannot presently be involved as full members of area governance structures – will need to be removed in legislation.**

Assuming there is no prescription, it will be for each area to decide how its structure of democratic representation evolves in the coming years. But we recommend that such change be guided locally by six principles:

1. **Clearer mandates:** a small strategic council executive, balanced by ward councillors with a mandate for advocacy & scrutiny on behalf of local communities
2. A **strong "frontline councillor" role**, providing community advocacy across the area and a nexus for neighbourhood governance
3. A more **open and participatory approach to public scrutiny**, addressing the range of local services & going beyond the town hall to engage citizens
4. A **greater democratic stake in local partnerships and strategies**, through both representative and participatory channels
5. Ultra-local empowerment on the basis of **natural neighbourhood & community boundaries**
6. **No overall reduction** in the number of empowered democratically elected representatives¹⁷

¹⁶ We do not give particular attention here to the representation of wider communities of interest, although this must be considered in any reform.

¹⁷ The strengthening of local community councils should be considered as part of the picture here. For instance, if a shire area were to propose a unitary governance structure with slightly fewer frontline councillors than the previous sum of county and district representatives, but to provide for parish councillor involvement in area committees and/or scrutiny as part of an enlarged role, this could mean more empowered democratic representatives as well as a simpler system.

Figure 5 below illustrates how an empowered community council could function locally, while figure 6 Figure shows how various approaches to community governance could work together locally.

FIGURE 5

An empowering community council?

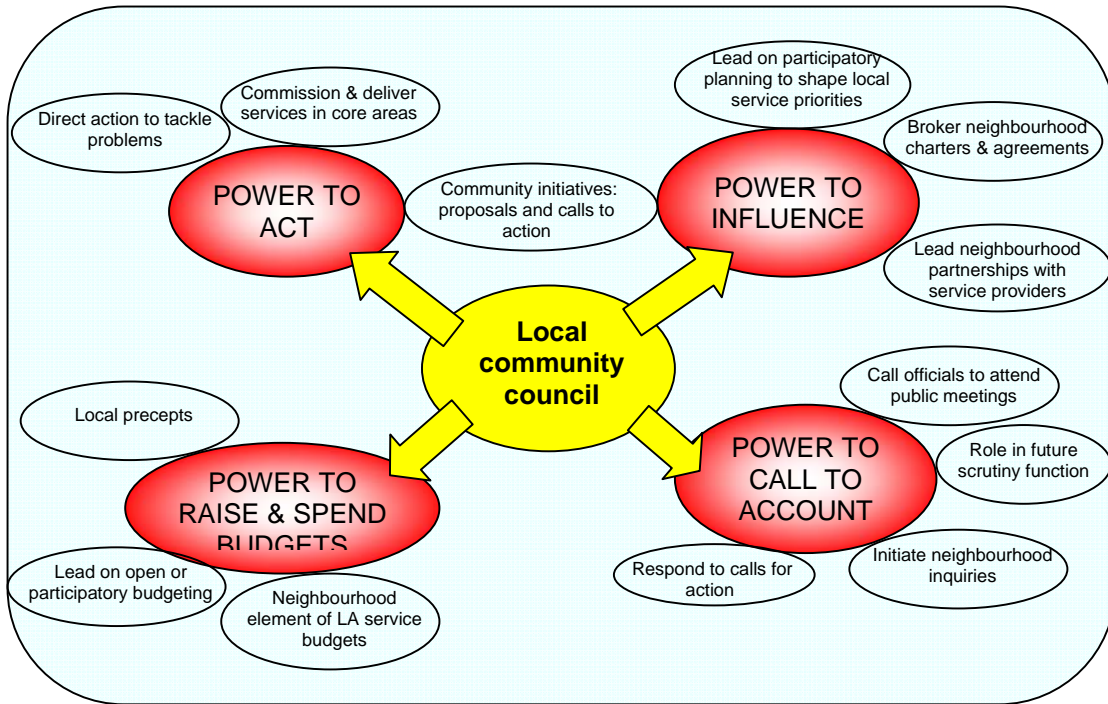
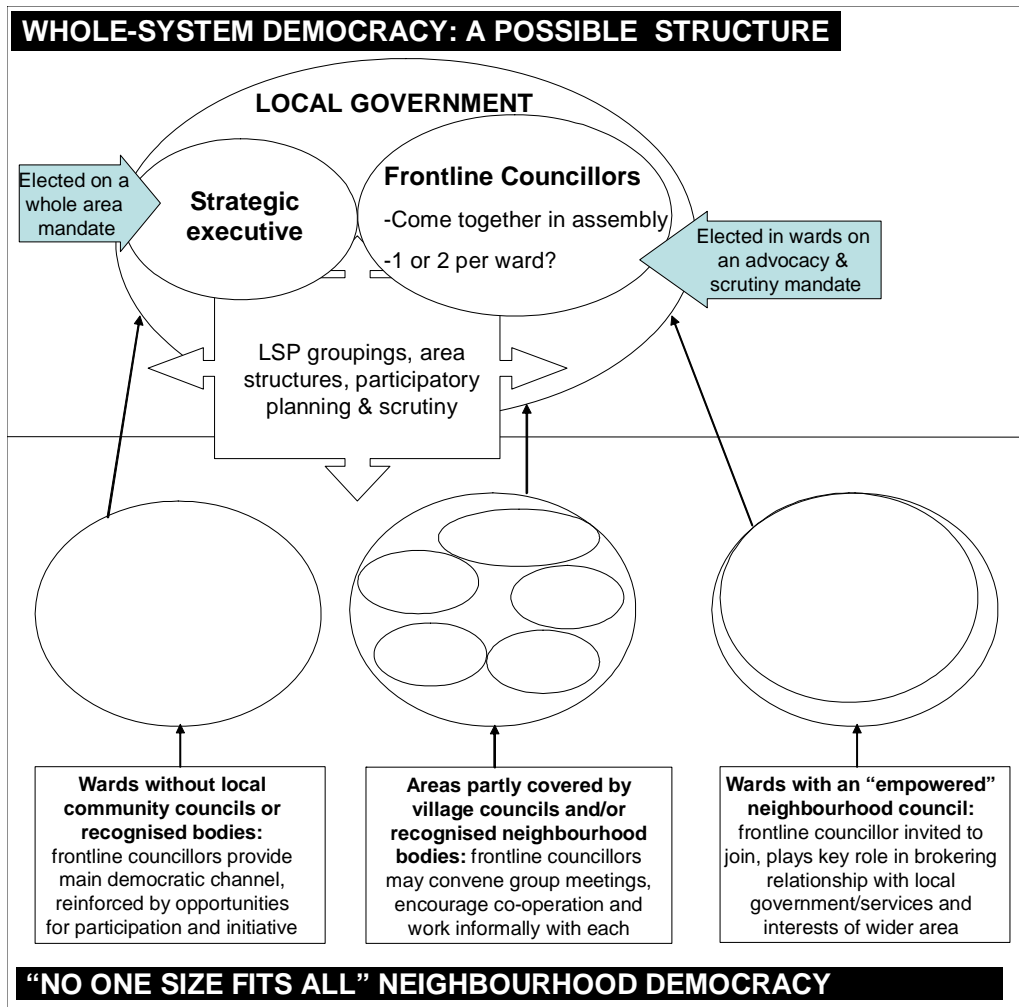


FIGURE 6



About this paper

This paper was first published by the Young Foundation in 2006 as part of the Transforming Neighbourhoods programme. It has been updated and revised for publication in 2010.

Transforming Neighbourhoods was a research and innovation consortium on neighbourhood governance and empowerment that ran from 2006 to 2008. It brought together government departments, community and research organisations. Partners included the Department for Communities and Local Government, the Home Office, the Joseph Rowntree Foundation, CABI, The Community Alliance and 15 local authorities including Birmingham, Camden, Haringey, Knowsley, Lewisham, Liverpool, Newham, Sheffield, Staffordshire, Suffolk, Surrey, Tower Hamlets, Wakefield, Waltham Forest and Wiltshire.

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