

One County: Less Democracy

CoSERG's response to Cornwall County Council's submission to become a unitary authority

Summary

The proposal to turn Cornwall County Council into a unitary authority is flawed for the following reasons

- *It does not empower local communities*
- *It will do nothing to reduce the current democratic deficit and in fact lead to a loss of democratic accountability*
- *It cuts the opportunity for voters to make a statement via the ballot box to an unacceptably infrequent level when compared with other democracies*
- *It inhibits the possibilities for the required reform of Cornish governance that would make it 'fit for purpose'*

In the background at the District Council elections in spring 2007 a ghost hovered, unnamed by candidates, ignored by the media, unseen by the voters. It was the ghost of local democracy. Very few of the record 503 candidates for the 226 District Council seats in Cornwall seemed aware that they were just going through the motions, fighting these elections under the shadow of the biggest change in local government since 1973. If this change goes ahead none of the councillors elected this May will still be councillors by the end of 2009, for the simple reason that the District Councils will no longer exist. Instead, we will have just one main level of functioning local government in Cornwall, a County Council providing a 'strategic' leadership, run by a small elite core of eight or so councillors. The current 331 elected representatives will be culled to just 82, who will be left to carry the increasingly threadbare banner of Cornish representative democracy forward into the future.

Particularly silent on the issue of impending local government change were the 164 Liberal Democrat hopefuls standing in these elections. Strangely, the Lib Dems had put forward a record number of candidates for a set of councils that their party colleagues on Cornwall County Council were intent on destroying. Their inscrutable silence on the issue during the campaign was one indication of the malaise of local democracy in Cornwall. This has now reached such a point of decay that the main issue of the day was blithely disregarded on the hustings. It seems to surprise no-one that the people are not going to be presented with a chance to vote on the biggest change to democratic structures for three decades. And it would be naïve to expect a supine and uncritical media obsessed with trivia and gorged on the press releases of the opinion-formers of the project classes to present the issues clearly or objectively.

It is our contention that the proposed unitary authority for Cornwall is a further stake driven through the heart of democratic local government. It has to be understood in the context of a broader process of centralisation marginalising local government since the 1970s. But it also has a special dimension in Cornwall where the proposal critically undermines the campaign for the constitutional reforms so urgently required to guarantee Cornish ownership of Cornwall's future. The prospects for this are now being thrown away by the Liberal Democrats at County Hall and their supporters in a short-term instrumental rush to ensure their own future. Furthermore, in the debate that has belatedly emerged, the missing ingredient is the issue of democracy. Democracy has become an unfashionable concept that has little place in a brave new world of public-private partnerships and stakeholding, a world where the twentieth century citizen has been transformed into a twenty-first century consumer-subject.

Strong and Prosperous Communities?

In October 2006 the Government at Westminster produced its White Paper on local government *Strong and Prosperous Communities*. The aims were supposedly to give local people and their communities more influence and power and to revitalise local authorities. While encouraging the further centralisation of power within councils on elected mayors, the document also invited local authorities in 'shire areas' to submit proposals for unitary status. Cornwall County Council promptly took up this invitation and disinterred its unitary authority proposal from the little lamented local government review of the early 1990s. A small group of leading councillors at County Hall then pushed this through, using the familiar 'no alternative argument', instead of first calling for an inclusive debate about the best form Cornish local government might take. Caught on the hop the District Councils failed to present a united front in response and their hasty counter-proposal lacked all credibility.

On March 27 2007 the Government announced that proposals from 13 areas including Cornwall were to be considered further, in an extremely short consultation period from March to June 2007. Tellingly, the government's suggested list of consultees included government bodies, quangos, the CBI, chambers of commerce and various favoured community 'partners' but excluded the political community at large. Giving the lie to their purported aim of strengthening local democracy and reducing 'the amount of top-down control from central government' the only way the individual can make his or her voice heard is through a message to the Whitehall bureaucracy. Furthermore, the electorate *en masse* were definitely not going to be officially consulted. Instead, central government shifted the responsibility for consulting the people onto local government: 'Councils are able to seek the views of local people on proposals that affect them (including referendums, citizen juries, users panels and opinion polls) as they see fit ... The Local Government Act 2003 provides an express power for local authorities to hold local polls' (http://www.communities.gov.uk/pub/929/FrequentlyaskedquestionsFaqs_id1509929.pdf). Needless to say, Cornwall County Council has decided not to take advantage of this. It prefers to base its case for support on a flawed opinion poll and some focus group findings on the principle of

unitary local government rather than test opinion on the proposal it is actually putting forward (see Chisholm Report, pp.15-18).

Government Minister Phil Woolas stated in March that the exercise would create 'stronger leadership, greater accountability and more empowered communities' and it could save 'up to £204 million per annum'. The criteria set by central government for assessing the proposals were that they have to be affordable, produce stronger leadership, improve public services, empower local communities and have a broad cross-section of support. Cornwall County Council's case, contained in *One Cornwall One County* reflects this, claiming to provide stronger leadership, greater local responsiveness and value for money. Oddly, the Government's criteria do not seem to include a reduction of the democratic deficit or an enhancement of democracy. But clearly neither its drive to centralise local government on a county level, nor Cornwall County Council's specific plans, provide 'genuine opportunities for neighbourhood flexibility and empowerment', one of their explicit criteria. For the unpalatable fact from their perspective is that in order to empower local communities it is essential to encourage real participatory democracy. Instead, New Labour tends to equate local democracy with a greater role for 'thematic cohesion partnerships' and Local Strategic Partnerships, where accountability becomes increasingly indistinct. This managed communitarianism and centrally controlled participation merely serve to confuse the nature of local decision-making, overly blur the line between public and private and include only the bureaucratically orientated, technical local salariat and unaccountable private sector interests in partnership. Real local democracy requires real power at a local level and the direct accountability to the people of those who manage that power. This is patently not on offer in the narrowly defined and short-sighted change being proposed.

Democracy: the missing criterion

For both central and local government saving money and strategic leadership are obviously the main criteria. Both levels of government appear to overlook the fact that we are supposed to live in a democracy. As a result the proposals contain nothing to offset the widening democratic deficit produced by a persistent, quiet and apparently unstoppable trend to centralisation. Given the power of capitalist corporate business globally and developers locally the logic ought surely to be to strengthen democratic checks and balances on the market. Yet the sad reality appears to be to continue to whittle away the democratic element. In the process alienation from the political process will grow and mistrust of an increasingly overcentralised, unaccountable and remote government is bound to rise. As Paul Whiteley, Professor of Government at Essex University, points out, privatisation makes the problem of the lack of democratic accountability worse (Whiteley, *Times Higher Education Supplement*, May 4 2007). When private companies botch up the latest PFI built school, as has happened recently in Exeter, it is the elected council leader who has to take the flak and not the private company who takes the cheque but not the responsibility.

The Government's publications betray its cynical attitude towards democracy. Significantly, in the 29 pages of the Government's invitation to councils to submit proposals for unitary local government there was not one mention of the word 'democracy'. Similarly, in its *Proposals for future unitary structures: stakeholder consultation* there was also not a single mention of 'democracy' or 'democratic'. Nevertheless, democracy did appear in the original White Paper *Strong and Prosperous Communities*. In the 176 pages of Volume 1 the word appeared 18 times and 'democratic' 28 times. (However, this compares with 233 appearances of the words 'partnership' and 'partnerships' and 68 citations of 'efficiency'!)

In the Prime Minister's foreword local government is stated to be a 'vital part of our democracy'. And councillors are the 'front line of local democracy'. However, this lip service to democracy is soon tempered. We are later informed that local democracy is crying out for 'strong, visible leadership' and stronger hierarchy (p.10). On the other hand we are also rightly told that 'a healthy democracy needs healthy political parties' while groups that are under-represented are more likely to be disengaged (p.52). Engaging with local people 'cannot but reinforce local democracy' (p.47). Fine words and laudable aims. But as so often they turn out to be just inspired rhetoric bearing little relation to concrete proposals. In practice the actual proposals that County Councils have come up with emphasise hierarchy and leadership (their own) over strengthening local democracy and civil society. Furthermore, they are likely to lead to an even less diverse body of elected representatives than currently exists. They make local government less open and transparent and even more remote and do nothing to reduce democratic accountability or the public confusion caused by the post-Thatcherite chaos of unelected regional bodies, commissioning and public-private partnerships.

The context: the strange death of local government

What is the context of this move to unitary local government? Since 1980 central government has steadily reduced the powers and constrained the autonomy of local government in England. The main way this has happened has been through its tightening control of the purse strings. Closer policing of the spending of local authorities has accompanied powers to cap council tax levels in order to limit the options open to local councillors. A culture of centrally imposed target setting has effectively created a policy straight-jacket, further constraining what local government can and cannot do. At the same time various functions such as housing, education and strategic planning have slipped from the control of local government through a process of centralisation, privatisation and the introduction of market mechanisms.

As local government's functions shrink the existence of a two tier local government structure begins to look like an expensive anachronism and demands for unitary local government grow. The Conservatives took the first step, abolishing potentially embarrassing centres of political opposition in the metropolitan counties and Greater London in the early 1980s. This was followed in the early 1990s by a rolling review of local government intended to produce widespread unitary local government. In the event all it produced was a shambles with unitary authorities in some

places but leaving a two tier system of County and District Councils largely intact across most of rural England. Under New Labour centralisation and privatisation have continued apace. The current round of reform is the latest attempt to impose unitary local government and the areas being considered for it – Cornwall, Bedfordshire, Cheshire, Cumbria, Durham, North Yorkshire, Shropshire, Somerset and Wiltshire – roll the process out into rural ‘shire’ areas. If it works then no doubt the rest will follow like the proverbial dominoes.

There is one immediate anti-democratic consequence of these reforms. By abolishing District Councils in these counties 2,484 fewer councillors will need to be elected (24% of all the District Councillors elected in 2007). In these areas meaningful local government elections will be cut from once every two years to just once every four years. (With the exception of Durham these are also all areas where the Labour Party is weak, with only just over a fifth of all elected district councillors in 2007, so there will be a disproportionately high reduction of non-Labour councillors). Effectively therefore, one result is that the opportunity for electors to make their opinions known through the ballot box is at a stroke cut in half. Rural voters will become more disenfranchised than their urban equivalents – in metropolitan districts although there is unitary government there is at least the opportunity for electors to vote three years out of four as the councillors retire in thirds. This is not being proposed by Cornwall County Council. Voting is only a part of democracy but the right to vote is a symbol of the health of any democracy. Voters in Cornwall after 2009 will be able to vote in sub-national state elections once every four years. Compare this with the United States where voters have the opportunity to vote almost every year for sub-Federal elections or neighbouring France where regional, departmental and municipal elections result in the opportunity to vote at least once every two years. Or the situation in Britain a hundred years ago when there were local elections every year.

Trimming the number of elections in this way may be convenient for some but it starkly contradicts the call in *Strong and Prosperous Communities* for healthy political parties. By increasing the electoral cycle to four years and reducing electoral activity political parties are likely to atrophy further. By reducing the number of councillors in Cornwall to 82, or 100 elected in single member constituencies as at present, the desire for greater ‘diversity and more representative’ councillors cannot be met. In contrast, at present the little diversity that does exist on local councils tends to be more visible at District Council level. In Cornwall for example MK now has seven District councillors. This is still a gross under-representation of its voting support but with a first past the post system in single member constituencies, rather than the District level multi-member constituencies, the 10-15% of the electorate who vote for MK in local elections will be effectively disenfranchised. Similarly, other smaller parties in Cornwall such as Labour, the Greens, UKIP or the Liberals will struggle to gain representation at County Council level where Liberal Democrat and Conservative councillors will be over-represented.

One Cornwall One County Less Democracy

Cornwall County Council's response to the criticism that the number of voting opportunities in Cornwall will be drastically curtailed and the number of councillors reduced by 75% is to 'look beyond the simplistic notion that the effectiveness of democracy increases in line with the number of members elected in a given area'. Instead they assert that an authority led by a smaller number of more powerful councillors will provide a 'more accountable and outcome orientated model of representation'. This bit of jargon begs a number of questions. In what way is it more accountable? What exactly are the outcomes? And whose outcomes are they? How will it be more representative? Their statement is just an assertion completely lacking in hard evidence. If we investigate the details of the proposal it is not difficult to argue that the reverse will occur and that representation will suffer, even on a basic day to day level. Moreover, in the proposed unitary set-up we will experience even less accountability.

The Chisholm Report has convincingly demolished the County Council's case for financial savings, pointing out how it underestimates transition costs and overestimates subsequent savings. For the financial case against this proposal we refer readers to that report. But Chisholm also says something of relevance about the issue of democratic deficit. The County Council's case for 'greater local responsiveness' rests crucially on its proposed Community Area Networks, with devolved budgets to groups of five or so councillors in local communities. This mirrors the submissions of the other counties with all proposing something similar – Community Boards in Cumbria and Local Committees in Cheshire for example. However, as Chisholm concludes, the Community Networks in Cornwall will be seriously underfunded, with only 0.2-0.3% of the total council budget. Looked at another way, 99.7-99.8% of spending will be centralised in Truro.

Chisholm's scepticism about the Community Networks is reinforced by the extra burdens they impose on local councillors. He concludes that the 82 councillors (and even the 100 eventually wanted by the County Council) will be overburdened and overwhelmed by the requirement to perform various different roles. They are being asked to act strategically at County Hall, to monitor and scrutinise a more powerful leadership cadre, to be accessible to local representatives and to work with the multitude of local partnerships that show no sign of diminishing after this reform. It is unlikely that a relatively small number of elected councillors will be able to carry the entire role of representation, scrutiny, decision-making and financial management being thrust upon them, especially as there seem to be no proposals in these reforms to pay councillors a proper salary for their work. It is unwise to expect councillors to be both local and strategic, on the one hand dealing with enquiries about local dustbin delivery and on the other assessing the complex policies required to meet the challenge of global warming at the strategic level. It is also unrealistic to expect councillors to shoulder the entire burden of ensuring democratic accountability works. On the contrary it is more likely that such accountability will be diminished because of the greater relative strength of the executive at County Hall and the under-reported role of unelected

regional and local bodies. Government will continue to be non-transparent but in addition will be even more remote from local communities.

Undermining Cornwall's special needs

It is clear that the drive to impose unitary government on England's shire counties by the back door, appealing to the self-interest and short-termism of county councils, is unlikely to lead to the reinvigoration of local government that the Government loudly protests is their objective. In the absence of more fundamental political reform and a reversal of the trend to centralisation, local government will continue to act as a mere agent of the central state. By reducing the number of elections and stretching the capacity of representatives, these changes, whether occurring in Cornwall or Cumbria, will in the final resort amplify that reduction of democratic rights that the subjects of the English state seem to take for granted.

However, in Cornwall this change has further regrettable consequences. In 2000 a campaign for a Cornish Assembly was launched. An Assembly would restore a level of democratic accountability at the strategic level, recognise Cornwall's historic case for special treatment and reinvigorate the political process in Cornwall. It would do this by replacing the current work of the unelected South West Regional Development Agency (SWRDA) and the self-styled South West Assembly, based at Bristol and Taunton, with a directly elected body genuinely accountable to the people of Cornwall, who would then have ownership of Cornish governance.

It will no doubt be a long and hard struggle to overcome the prejudices and stereotypes of central government and mobilise opinion in Cornwall behind this reform. Yet by proposing a unitary local government authority for Cornwall the County Council is effectively undermining this campaign and making its achievement even more difficult. If Cornwall is the level for 'local' government then where do we find 'regional' government? If Cornwall deserves to be treated as the appropriate level for a 'regional' government then where should we find local government? We cannot have both co-existing at the same level. Any far-sighted discussion of local government in Cornwall would inevitably conclude that, whatever might be the case in the English shire counties, local government should be based on a sub-Cornwall level.

This is however not to defend the current six district councils whose record is fairly uninspiring. Since their establishment in 1973 the Districts have in the main failed to galvanise local loyalties. Moreover, their record in protecting local communities in Cornwall from the effects of over-rapid development has been uninspiring and they have been subjected to considerable criticism on the grounds of their overly-bureaucratic and unresponsive response to the people they serve. Given this the surprisingly high return for such exercises of over 30 per cent who voted in the poll organised by four District Councils on the County Council's unitary proposals— 82 per cent of whom rejected the proposal —indicates the lack of enthusiasm for the actual proposals under discussion. But this does not mean that if there were moves to establish unitary local government on boundaries that actually corresponded to real communities on the ground this would not command widespread support. It would also

really begin the process of reinvigorating local government and giving local people a sense of ownership over it.

The County Council's answer in *One Cornwall One County* is to fudge this issue (and that of empowering local communities) by claiming that 'we will negotiate that powers and responsibilities are drawn down from regional and central government, so that decisions about Cornwall are made in Cornwall. These include a greater say in strategic planning, economic development, transport infrastructure and housing, in particular the formation of a Cornwall Development Agency to help transform the economy.' Strange that this is the first we have heard about these nebulous 'negotiations' with regional and central government! And what has stopped them from initiating such negotiations before the Government's White Paper appeared? They also claim that there will be an enhanced role for town and parish councillors. These claims are totally vacuous in the absence of an agreement with (or even demands on) central government for special treatment for Cornwall. There is no sign of such an agreement.

Chisholm argues that 'holding out hopes for a degree of devolution that is not currently attainable' is a sign of the County Council's failure of 'strategic leadership' (p.19). But it is more than that. These claims were clearly put into the document merely to appease those in Cornwall who are demanding an Assembly. It is crystal clear from their past record that the current leadership group on Cornwall County Council is entirely incapable of providing the strategic leadership that Cornwall desperately needs. For example, they meekly colluded with a 'Devonwall' process in the 1980s and 1990s that resulted in the transfer of functions (and jobs) out of Cornwall; they failed to achieve a Cornish RDA or even to mount much of a campaign for one; they failed to obtain local management of Objective One spending – now managed from Bristol by the RDA; they have helped to give the SW Assembly legitimacy. They are now destroying the case for an Assembly by promoting Cornwall as the only level for local government. This should not surprise anyone. After all, the leadership of Cornwall County Council clearly do not accept that Cornwall is anything other than a bog-standard shire county and no different from any other unit of English local government. Those who support the unitary case in the hope it will magically lead to devolution are naively grasping at the most insubstantial of straws. The opposite is the case; a unitary Cornwall County Council will make an Assembly more difficult to obtain.

The Cornish governance solution

Cornwall deserves, indeed urgently demands, more than local government reform if it is to meet the challenges of the 21st century, particularly reconciling unsustainably rapid population growth with the challenge of economic globalisation, while addressing the causes of climate change. These require new, innovative, coherent and appropriate policy responses that will meet the aspirations and needs of the Cornish population. The current local government system is flawed, with duplication of services, overlapping functions and a failure to provide an alternative to centrally imposed policy prescriptions. Yet this is overshadowed by the proliferation of overlapping agencies, quangos and partnerships that have developed

and thrived since the early 1980s, effectively taking power and resources from elected representatives. The growth of the unaccountable quango state has increased the democratic deficit, limited the scope for meaningful debate and dialogue and effectively disguised policies imposed by central government diktat.

It does not take an expert in government to see how we might reform local government in Cornwall so that it might strengthen strategic leadership but at the same time really empower local communities and enhance democratic accountability. But this needs the sort of long-term vision that is currently absent in London or Truro.

The contours can be sketched out here. It would involve:

- A switch in rhetoric from stakeholding, partnerships and the market towards citizens, accountability and democracy.
- A move from the nebulous and complex framework of existing governance structures to a more inclusive and holistic process of governance, where decisions are ultimately made by an elected Cornish assembly. Transparency, openness and clarity would replace the current confusing and complex array of competencies. This would require a transfer of power from all those invisible and non-accountable bodies currently involved in decision-making in Cornwall. This includes peak regional institutions such as the RDA and the SW Assembly as well as local regeneration bodies such as CPR Regeneration in Camborne-Redruth. Creating bodies that are accountable and answerable to the democratic process would help to restore faith in politics.
- At the strategic Cornwall level a slimmed down Assembly of no more than 50 members, like the Greater London Assembly but with at least the powers of the Welsh Assembly.
- At local government level elected community councils whose main task would be service delivery and day-to-day local government. These would ideally be smaller than the present Districts, reflecting real geographical loyalties on the ground. They would be encouraged to share management resources and delivery functions when this would be more efficient.
- Local government would be funded to a greater degree than at present by local taxes, a combination of green taxes, property taxes and local income tax.
- Diverse and fair representation at both Assembly and local government levels. This would be guaranteed by the introduction of a proportional election system, preferably the single transferable vote in multi-member wards, as in Scottish local government.

Cornish Social and Economic Research Group, Redruth, June 2007
Email: CornishSocEconG@aol.com