



Local Governance Review – Repowering Communities through HITRANS

Highlands & Islands Regional Transport Partnership – Proposal for Test

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Throughout 2019, The Highlands and Islands Transport Partnership (HITRANS) has undertaken a process of research and testing proposals for greater subsidiarity of transport and associated service delivery across 5 member council areas. HITRANS have commissioned research and analysis on the impact of previously centralised service delivery and also the potential impact of emerging proposals nationally for the second transport strategy and investment in transport for enhanced co-creation and production from the second strategic transport projects review.

The conclusion of these reports appended to this submission of our proposal for test, was that despite transport delivery being fundamental in an economic and social rights sense to Highlands and Islands (H&I) communities, subsidiarity of service delivery and its fairness by design has not improved over the last two (2) decades. Indeed, it seems that an ever-growing number of decisions are taken by government agencies and their service delivery agents, quite a lot of them are non-governmental organisations/“national” charities based in the Central Belt without clear accountability to local communities or their locally democratically elected and accountable representatives. The recommendation of the commissioned reports was this had to change if we are to achieve the vision of the Local Governance Review (LGR) in terms of transport in the H&I area given how vital it is to a whole range of service delivery area over such a large and remote part of Scotland. The continuation of a broadly national default policy implementation may have a significant rights-based impact on the Highlands & Islands communities without clear involvement in service design sub-nationally to deliver tailored positive local outcomes. In this new decade, communities need a resolution to these matters.

As part of that consultancy work, the main outcome from discussions with the 5 member councils of HITRANS: The Highland Council, Moray Council, Argyll & Bute Council, Orkney Islands Council and Comhairle nan Eilean Siar (Western Isles Council) was a commitment to progress democratic empowerment of local communities and also democratic devolution of responsibilities from national governance structures. This builds on the long-standing agreement through the statutory regional transport strategy for the area to actively consider service and governance re-design and implementation to improve outcome delivery locally through the implementation of effective locally aggregated shared services and critically the devolution of nationally held powers back to local sovereign communities.

The previous agreement was founded on a clear understanding that improving subsidiarity of governance and improving outcome delivery for communities served would need to come with a clear commitment from national authorities and agencies to fiscal and functional empowerment of the newly empowered governance structures. The understandable view was that testing a proposal, doomed to failure because of the inability for new governance and empowerment to alter the current delivery of service because of little functional and fiscal empowerment was wasted

effort. Whilst, greater co-location of decision makers in the Highlands & Islands area is seen as a first helpful step in this process of testing and developing a proposal, it cannot be a final phase in the development of reform locally that seeks to increase the interaction of communities with locally important services but without a clear mechanism for democratic accountability. Therefore, the members of HITRANS have welcomed the clear view of the recent stage of the LGR, that there needs to be the alteration of H&I communities' capacity to act in relationship, functional and financial terms.

However, unlike presumably other proposals coming forward in this next LGR stage, the proposal for HITRANS is not to seek to research, develop and test a sweeping new form of governance model. The proposal from HITRANS is to empower the existing under-utilised structure of statutory regional transport governance and engagement with communities, to enable a type of decentralised and empowered service delivery model envisaged alongside the creation of Transport Scotland as a centre of excellence in the early 2000s. The proposal from HITRANS is that Regional Transport Partnership (RTP) created under the Transport (Scotland) Act 2005 should be fully recharged and empowered to develop and test a much greater subsidiarity of transport governance and engagement with H&I communities.

For example, in terms of Ferries Policy and Practice, the majority of impact and service delivery is felt by the communities and stakeholders of HITRANS. Yet the decision making is not locally accountable or agile to local needs or their desired responses. There is a clear community feeling of disengagement and disconnection from decisions taken by non-democratically accountable officers in the Central Belt. This element of service delivery is the subject of great debate locally across H&I communities, yet the communities feel they cannot meaningfully engage because of the traditional default national model of governance. Therefore, the potential for greater local empowerment and involvement in service design sometimes can only occur after negative outcomes have been felt by dependent communities. This process does little to address upstream demand inefficiencies or failure demand of new policies, it just creates frustration all round that lived experience is only accounted for in complaints and remedial action, a system of inefficiency. This sub-optimal situation seems at odds with the proposals of the Christie Commission, early this decade, for not only investment in prevention and early intervention but also enables structures that facilitate easily and simply this type of involvement in services, delivering local priorities better, transforming and empowering greater involvement in local democracy and driving improvement in public service delivery, which addresses demand pressures upstream within an inclusive, involving and whole system approach.

Therefore, whilst there is a clear appetite for transformative change across the HITRANS area and its stakeholders, there is the additional advantage that such improvements in local democracy, subsidiarity and sovereignty of communities over vital decisions in this instance can be broadly made within an existing statutory

framework, which has been historically under-utilised, which are documented in the appended report. Therefore, whilst other proposals will need to understandably focus on the wholesale design of new autonomous and democratically accountable decision-making bodies collectively HITRANS member councils and wider stakeholders feel that the potential of RTPs via the Transport Act 2005 has not be fully explored and empowered as a mechanism for representative and participative democracy at a regional subsidiarity scale since their inception. We believe that there is a past structure that can be inherited by this new process and built upon by the three proposed empowerments: community, fiscal and functional, of the LGR review. There is a clear transformative governance arrangement on the statute books that could easily and quickly achieve better national, regional and local outcomes whilst also within the aims of the review be ambitious in terms of the changes achieved and transformation of local democracies. We believe that the fiscal and functional devolution of powers and responsibilities within a long-standing statutory framework will provide a low risk transformative change which can deliver effectively without being saddled with responsibility to road test a model which is without the capacity and existing structure to act in this new paradigm of enhanced subsidiarity of transport delivery and focus rightly on continuously improving co-creation interfaces.

In the context of the proposed Scottish Government multi-year funding agreements, RTPs through the recent approved Transport Act 2019, how have the clear ability to plan and carry forward budgets and have an existing statutory requirement to consult, co-design and outline a multi-year workplan for transport delivery. We believe alongside an enhanced power of general competence for key public bodies and empowerment fiscally and functionally of key community-level decision making bodies within the existing statutory structures can produce a system of self-determining resourcing closer to communities and in clear partnership of parity. This would enable further functional empowerment of the existing statutory structures of RTPs creating new mechanisms of engagement and involvement which will create the conditions for greater subsidiarity of decision making and ultimately greater local self-determination on a key service delivery for a large and geographically isolated area of Scotland. The existing requirement for public meetings and transparency of governance provide a clear opportunity to evolve from and enhance community participation through HITRANS in decisions, building trust and understanding of service design challenges.

We therefore welcome the clear acceptance from the LGR review that improving how public services work together regionally is as appropriate at a regional level as well as at a Community Planning Partnership (CPP) level for submission as a development proposal for test and our summary, in the form of a shaping and sharing plan, is attached to this proposal document. We feel that this alternative governance arrangement founded on an existing under-utilised statutory arrangement is a clear low risk but high impact proposal for the LGR review to support and such a place-specific proposal will be a significant empowerment for H&I

communities on transport issues. The research and development of the Regional Transport Strategy recognised clear, consistent and collective themes on transport: accessibility and connectivity, across all five (5) Community Planning Partnerships and a recognition that HITRANS was a clear mechanism for improving outcomes and participation across H&I communities. The devolution of budgets to a regional participative structure, with statutory reporting requirements would be low risk, but high reward in terms of the fiscal improvement of local democracy. We believe this would be not simply the devolution of budgets, but crucially the addition of the opportunity to influence service design and change more responsive to communities needs. This would in time move beyond simply a national perception maybe that co-location of existing nationally governed services and key staff, would itself improve national decisions to an extent where the instigation of real system change, enabling greater control and influence over decisions that affect our communities through HITRANS was not needed. The proposed triumvirate empowerment of communities would enable clear system change and re-design to proactively tackle deep-rooted transport injustices in the Highlands & Islands area and enable a real empowerment of prevention and reduction in “upstream demand” across a number of other policy areas requiring a strategic but locally responsive delivery of transport services to a diverse community and geographical landscape.

The support of this proposal as a priority project, alongside a clear quantum of resource, co-location of existing national transport decision makers in the short-term and real devolution of resources and powers in the short-medium term would give this proposal a real chance of success and the opportunity to continuously improve at a faster rate the type of transport and connectivity challenges regularly debated for example at the Convention of the Highlands and Islands (COHI). HITRANS and member authorities and wider stakeholders such as Highlands and Islands Enterprise (HIE) and Scottish Council for Development and Industry (SCDI), believe we have evidenced in our previous submissions to this and other processes e.g. NTS2 and STPR2 and SCDI’s own Rural Commission, how this enhancement of existing structures will clearly improve people’s lives and engagement in decisions which impact their everyday activities reinforcing faith in local democracy. We believe we can not only create efficiencies but also opportunities for community wealth building which contributes to the national desire for inclusive growth alongside improvements in local democracy and given our current impact of working with NHS Trusts in a much less community, fiscally and functionally empowered state, we believe can promote well-being at a much greater rate than currently achievable with the centralised and non-participative arrangements and lack of empowerment of existing legislative arrangements. Making structures and governance seek societal value of democratic structures not solely the measurement of service outcomes, introducing an intersectionality of outcomes and a greater focus on enhancement of well-being through the democratic involvement of communities in preventative analysis of strategy, decisions and budgets, as discussed in the provocation report appended to this proposal, would be a major empowerment step.

We feel that the proposal is an intentionally positively disruptive but locally democratic and responsive reorganisation of transport governance within an existing statutory framework, in order to tackle the injustice, inequalities and disadvantages that have been historically felt across the Highlands and Islands area. HITRANS believe that with this proposal we can enhance subsidiarity and improve local decision making, simplify democracy and representation for the diversity of all our communities, empower all members to involve themselves in crucial decisions, enabling an equal outcomes approach to service delivery, with a particular attention on needs and aspirations of people and places and not only be more financially sustainable but more fiscally rewarding by delivering outcomes more in tune with local needs representing a greater return for Scotland as a nation in terms of its contribution to the efficiency of public services collectively and national well-being, in line with the aspirations of the new National Performance Framework (NPF)

We believe that a regional approach, utilising existing structures and further empowering and enabling them, is a transformative approach to local democracy, crucially utilising the existing under-powered legislation, moving subsidiarity to an appropriate and inclusive level for the Highlands and Islands but also enables a strategically locally driven response to the widespread concerns over participation in key transport decisions across our communities. Whilst progress has been made on many transport injustices, we believe this further empowerment of communities through HITRANS will quicken the pace at which we can address the current inequalities within our communities, which are sometimes not as stark as major city regions but are felt clearly by residents of our communities but currently without the ability to respond locally to ensure equal sharing of benefits and mutual reinforcement of their collective efficacy in the ability to influence decisions locally.

Re-powering HITRANS would re-power and empower all to deliver better community, fiscal and functional outcomes, inclusive growth of local democracy.

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Partnership Director

HITRANS

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Annex 1 – Summary of HITRANS proposal

Outline of the proposed Governance changes

The proposed change by HITRANS is that a number of key transport policy areas are devolved from direct national delivery to a regional re-empowered Regional Transport Partnership (RTP), a statutory body created by the Transport (Scotland) Act 2005. The initial devolution would be a managed transition of co-location and co-production before the creation of a new empowered delivery structure, closer to communities by 2022, with enhanced community empowerment sitting alongside the full devolution of fiscal and functional aspects of existing provision managed through the current statutory structures provided by the relevant legislation.

There would clearly be challenges in delivering a greater place-based and locality planned response to Highlands & Islands transport priorities across an initial number of key themes identified post community involvement which could potentially include the following services based on previous consultation: trunk roads, ferries, active travel, sustainable transport particularly bus and mobility as a service. However, we are confident that the proposed re-empowerment of an existing statutory structure would deliver the originally proposed enhanced outcomes through RTPs strengthening local democracy and ensuring better outcomes for communities experiencing real transport inequalities within a context of dis-empowerment and dis-connection from the key decisions and those charged with making them at present.

RTPs like CPPs are a relatively new statutory process, albeit in terms of governance and resourcing most efforts have been invested in CPPs by various governance stakeholders. However, RTPs like CPPs, have a relatively short statutory process, but both have longer histories of voluntary efforts and RTPs like CPPs have done recently, have a clear ability to improve partnership and leadership on key issues locally on strategic issues but also improve outcomes specifically within localities by being better able to listen and act on local views from local and regional engagement and involvement. We feel the re-empowering of HITRANS communities via the existing RTP is a clear opportunity to enhance local democracy regarding lifeline transport services but avoid the tendency towards procrastination bias concerning shaping or sharing services that can often occur with large organisation change. We have communities needing more targeted services to address the interdependencies of social and economic and right-based transport issues but with the advantage of clear community buy-in to a RTP that could be enhanced by empowerment in fiscal and functional terms, which would reinforce empowerment of further community co-creation.

The outcomes this seeks to achieve

The key outcome the proposal seeks to achieve is delivering better community outcomes for those Highlands & Islands communities which experience diverse and distinct challenges to the rest of Scotland in terms of transport injustice and poverty. This has a tendency to be forgotten in an overtly urban default response to transport

policy design, consultation and delivery. This significantly weakens the strong community asset base with Highlands & Islands communities and their own efficacy that their own involvement will be welcomed and acted upon to improve the design and delivery of positive local and regional transport outcomes initially. Thereby, reducing the need for retrospective advocacy and lobbying to change centrally derived and implemented proposals. Time, effort and resource that could be channelled into an earlier co-creation process to deliver better local outcomes and strengthen local decision making and feelings of local control over key outcomes.

The greater sharing of service design and delivery at a local level will generate through a more inclusive policy and service design, a greater local evidence base, key to taking a nuanced and locally responsive approach to outcome delivery. The empowerment of communities will also have process resourcing outcomes, enabling a more detailed debate on the balance between short-term cashable savings given current fiscal pressure from changes to be participatively considered alongside the need for system change and limiting current demand on resources to enable the funding of long-term change. This for HITRANS will offer the opportunity to address the complex interdependencies that transport provision presents in terms of existing local negative outcomes within an empowerment condition where residents views will inform change, not be lost in a national consultations only known about and easily accessible by those informed and engaged in the national debate.

Given the current context of strengthening local democracy and taking a targeted attention approach to service delivery to reduce inequalities and enabling the visibility and engagement in such service delivery debate at a local level will be a vital component of building and maintaining local democratic support and resourcing for a non-universalism approach to transport policy and delivery. Targeting more resource and attention to certain localities in a national, removed context would continue the current deficit of involvement for communities on key transport issues. Devolving and empowering would provide local delivery agents with the ability to demonstrate the success and reduction in failure demand by taking a targeted attention approach to improving outcomes for all communities but particularly the most deprived, democratically isolated and vulnerable residents from the impacts of national transport policy.

A key preventative outcome of the proposed governance changes is that appraisal and evaluation of strategic policy and project decisions are as close to the community they will impact upon. Rather than a post-hoc redesign of a policy, decentralisation will enable greater alignment and visibility of partner's resources and assets, enable prevention and suppress upstream failure demand and enable early intervention to address failures and critically enable a culture of trust and greater transparency between decision makers and the communities that loan their sovereignty through the democratic process.

The joint outcomes of a healthy local democracy and a just and inclusive delivery of transport services across the Highlands and Islands communities is a key outcome.

Decentralising democracy but continuing to make a positive difference to communities by devolving power and accountability to Highlands & Islands communities to address strategic transport priorities.

Who is involved – partnerships/communities

The proposal is to include all councils, health boards, community organisations and residents in a highly participative devolution of powers to H&I communities. HITRANS are clear that the development and testing of these proposals need to change the current lived experience of citizens and their place based challenges and therefore need to be informed by communities views directly and in the closest proximity to decision makers as possible to enable a strong, just local democracy.

Crucial to this is the stated commitment to all regional and local partners through the HITRANS Regional Transport Strategy (RTS) to a much greater decentralisation and if needed aggregation of power, sovereignty and resource to a more local strategic power to deliver positive outcomes informed by local priorities. Therefore, the challenge faced by potentially other areas around the need for a change of mindset in other public, private and community bodies about how they would contribute to the place-based development of enhanced Highlands & Islands priorities is not present in this context. There is a clear agreement of the opportunity to re-charge HITRANS.

HITRANS are clear that the process of re-empowering the existing statutory structure must have at its heart the communities it serves. We need this process to be shaped and enabled by communities and their involvement in governance so that their involvement not just engagement or blessing is given. It cannot be a case of governance being “done to them” rather this process needs to be lead by and with them and their democratically elected local representatives, recognising the loaning of democratic sovereignty and that power lies with people and communities who temporally transfer this power to those charged with delivering public services.

Outwith the transport “field” directly the process will recognise and reach out to involve other inter-dependent service providers and their communities, which depend on transport for positive outcomes. Transport inequalities are a result of a complex series of social interactions locally and we reconsider that any governance response needs to ensure a joined up integrated and lived experience informed approach to tackling upstream demand issues that fuel negative transport outcomes: employability/in-work poverty, fuel poverty, wellbeing/mental health, gender inequalities. Whilst the initial transformation governance change would focus on transport there would be scope to seek engagement of for example Skills Development Scotland or VisitScotland through enabling of more local democratic decisions, nuanced to local place and geography in continued future evolution of governance.

The involvement of communities directly will enable more of a regional and local data focus whether it be lived and quantitative and will ensure that decentralised actions in communities and localities interact positively with other actions to ensure positive

outcomes or at least the best mitigation of negative outcomes, rather than a focus on national models and data, prone to bias and invisibility of local issues. The HITRANS proposal we think will also enable a greater focus on people and place, rather than the gross value added to the local economy, a greater focus on subsidiarity and its role as a concept for transport in delivering well-being through outcomes and greater involvement.

How the proposal will be developed and tested

HITRANS have started to develop a “Plan for Shaping & Sharing” to outline a process for consultation with local communities over the course of 2020-22 to fully debate and discuss with communities of interest and place, the key transport policy areas that should be tested for devolution and subsequently developed in the co-produced manner with local communities to maximise local impact. This would seek to enable over a suitable period to road test the possibilities for decentralisation of functions and finance. We know communities would view this change as a positive empowerment of decision making across the Highlands & Islands area whilst retaining a clear strategic direction to strategy, policy and investment across the whole HITRANS area. A draft proposal for a Plan for Shaping and Sharing accompanies this proposal for testing. This would be fully scoped out by consultants if the support was given by SG and COSLA to progressing this governance proposal, as an LGR priority project.

Clearly before coming to any definitive proposals and submitting them, we would want to embark on a co-creation of community expectations via the co-production of a consultation on the Shaping and Sharing Plan for HITRANS. This would provide a first-hand community understanding on areas for decentralisation, collaboration and co-design. Identifying what is the most appropriate level for service governance and how communities want to be involved in service delivery and scrutiny, making sure as per the principle of subsidiarity, that the shape and form of any proposal for more localised governance is right for the people and places it serves.

Any cost/resource implications that need to be considered

The limited capital and to some extent, revenue funding of RTPs in the last decade does present resource and capacity implications for the achievement of the proposed vision. Clearly fiscal budget empowerment alongside a clear direction and support from Scottish Government and Convention of Scottish Local Authorities (COSLA) to ensure other public agencies proactively engage in testing and developing this proposal would be a vital resource over and above fiscal support for implementing a new existing form of governance in the Highlands & Islands area. There would be resource implications from the short-term commitment to co-location of human resources and agencies in any consolidation and transformation phase. There could also be clear budget implications for the co-commissioning of actions via a RTP of previously Local Authority delivered funds but the greatest implications

would be the transfer of resources: fiscal, functional and human, from nationally driven funds and initiatives to Highlands & Islands area to enable the local delivery of outcomes. This would require a clear commitment from Scottish Government to decentralising functionally and fiscally for communities and enabling community sovereignty to be exercised closer to them in geographic and psychological terms.

However, there is also the clear opportunity cost of not doing this to consider, as inaction on this issue would seem a missed opportunity with a keen stakeholder base and existing statutory framework that could quickly drive transformative change and learning for the local governance review. The opportunity is here for a number of councils working collectively, to strengthen local democracy and shape a clear transport identity for the Highlands & Islands area by sharing collaboratively resources and assets with communities. Even with the obvious development costs, we believe it would lead to a more efficient and effective delivery of services and well-being, whilst retaining and enhancing workforce development and community wealth building, through local economies and supporting improvement in wider outcomes across the area covered by the transport partnership through greater involvement in service design from residents in services they use daily but currently decision makers do not use. Growth in democracy participation driving growth that builds community wealth in terms of empowerment and economy, would seem to be a welcome further extension of an inclusive growth model that seeks to combine increases in prosperity with greater equity, creating opportunities for all and distributes the dividends of increased prosperity more fairly.

In the same sense renewing governance via HITRANS of transport service outcomes, is not just about redistribution of responsibilities from one sphere of governance to another, but it is about enabling an increase in input and ensuring that this enhanced democracy is responsive and involving of communities so that enhancements in governance are delivered in a manner which is inclusive to all, enabling more people to participate in democratic decision making will clearly have upfront costs but it will also avoid the costs of lack of engagement in policies and projects that fail to deliver on communities needs and desires.