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27 September 2023

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Loyal readers may recall that in a recent piece in the SR (*Something is rotten in Fife*, 14 June 2023

(<https://www.scottishreview.net/ManfredilaManna662a.html>) I unearthed a little known peculiarity of the planning system in Fife: Fife councillors (all of whom sit *ex officio* on the Planning Committee) are effectively barred from engaging in any way with their constituents on any planning issue as doing so, according to Fife Council's legal team, would constitute a breach of their code of conduct and therefore they would have to recuse themselves and not participate and vote on any planning matter affecting their own constituents.

A month after the publication of the article, I received an email from Fife Council's head of planning services which did not address the issue of democratic deficit I had raised, but did pass the buck onto councillors themselves: 'Members of the Planning Committee are not prevented from engaging with any individuals or organisations, *however it is their decision whether they wish to do so*' (italics added).

I had already contacted the Scottish Government (in the person of the media manager of constitution, external affairs and culture communications) asking whether the government's pledge that 'planning reform has inclusion and empowerment at its heart, improving the opportunities for people to be involved in the decisions that shape their place' was compatible with councillors being unable to inform and listen to their own constituents on planning matters. I specifically asked three simple questions:

1. Are councillors allowed to alert their constituents of any planning issues?
2. Are councillors allowed to arrange meetings about planning issues?
3. Are councillors allowed to listen to their constituents about planning issues?

On 31 July, I received a surprisingly straightforward and unambiguous reply



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from the policy manager of the Planning, Architecture and Regeneration Division in the Scottish Government. He stated plainly that my assertion that 'councillors can speak to their constituents, but only if they forego the right to sit and vote on planning committee meetings' was 'categorically untrue'. He continued: 'there is nothing in planning legislation that sets any kind of restriction on how councillors engage with or represent their constituents and their constituents' interests'. This was certainly news for Fife Council's councillors and the ironically named Legal and *Democratic Services* team. What about my three simple questions? His response was direct: 'the answer to each is a simple yes'.

Given that the established practice in Fife was a categorical 'No!' to my three simple questions, I wanted to delve a bit more deeply into this clear inconsistency between the Scottish Government's crystal-clear position on local democracy and Fife Council's no-listen no-speak interpretation of the councillors' code of conduct.

On 1 August 2023, I sent a Freedom of Information request to Fife Council asking for any correspondence and exchanges between councillors and the Legal and Democratic Services team about the code of conduct. Naively, I was expecting to be deluged with a large volume of emails, letters, etc, and I was ready to wade through them all to discover why Fife councillors have clearly been led to believe that no contact with their constituents is allowed as far as planning matters are concerned.

Forty-two days later, my FoI request was answered in the form of a Microsoft Publisher presentation by the Scotland Standards Commission on the *Revised Councillors' Code of Conduct*, a publicly-available file. Nothing else. Zip. Nada.

When I enquired about any correspondence between councillors and council, I was politely told that such matters are excluded from FoI requests.

What does this little story tell us about local democracy? To put things into perspective, it may be useful to refer to Lesley Riddoch's thoughtful article in *The Scotsman* (*Time to put communities and small councils at the heart of local democracy in Scotland*, 17 September 2023). She points out the glaring disparity between England's 10,480 parish councils with an average annual budget of £1m and Scotland's 1,200 community councils with a miserable £400 p.a. budget. Her substantive point is that volunteer groups, community trusts, etc, together with more and more powerful community councils, ought to be given a much greater role in local decision making.

What the Fife Council saga tells us is that some unelected bureaucrats are unlikely to give up the power they can grab simply by 'interpreting' well-meaning legislation and guidance in a way that just happens to emasculate elected representatives. To the best of my knowledge, not once have Legal and Democratic Services staff pointed out that councillors did not have to recuse themselves simply for having spoken to/been approached by a constituent, nor have they suggested to councillors that they may wish to inform their electors of any important planning issues.

It will be an interesting test of local democracy in action to see whether the behaviour of either planning bureaucrats or local councillors (or both) will change in view of the clear position taken by the Scottish Government.

P.S. My own little Fife village, which had not had a community council for years, now has one, ready to gather local opinions and views and to interact with councillors, now that they are – in theory – free to discharge properly their democratic mandate.



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The Scottish Review is published
weekly by the Institute of
Contemporary Scotland (ICS)