

newDEMOCRACY

CITY OF CANADA BAY POLICY PANEL **FAIR USE OF COUNCIL FACILITIES**

PROCESS DESIGN OVERVIEW: A NEXT STEP IN EMPOWERED COMMUNITY ENGAGEMENT & DECISION MAKING

Objective

The City of Canada Bay has seen the value in engaging a representative sample of the community via random selection, and by empowering them within criteria agreed by elected Councillors.

The Citizens' Panel (CP) was necessarily 'broad rather than deep': it sought to show citizens that tradeoffs were involved in ensuring the delivery of hundreds of services within a constrained revenue environment, and asked them to explore their preferred balance of services and funding changes. This was successful: the CP successfully agreed a set of challenging tradeoffs and will assist Council in building trust within the wider community through the detailed implementation process.

The objectives of a next generation process are:

- a. Focus a randomised representative sample on a *narrow* operational area/ problem, and ask them to agree their preferred way for this area to function efficiently and transparently.
- b. Identify new solutions based on *deliberation* rather than a 'campaigned' outlook.
- c. Generate *continuity* and *alignment* with what was learned in the CP process – embedding it into how Council works with the community every day.
- d. Enable Canada Bay to reinforce its national and international leadership position in integrating the community as difficult public decisions are made.

Manningham Councillor Stephen Mayne has earned note for his innovative work in advocating transparent disclosure of subsidised lease arrangements for entities using Council facilities. The design proposed aims to go significantly beyond this in terms of transparency – and in so doing achieve a higher standard of democracy and better meeting the community's expectations.

The Problem

Subsidised use of council facilities confers an uneven benefit. In a large number of cases the community *desires and supports* an uneven benefit: for example, there is broad acceptance that services for the disabled would pay a lower level of rent (or simply a token figure) compared with a commercial service such as a café.

Unfortunately, subsidies are also areas which confer political benefit and therefore risk, and as such can be the topic of community concern. Comparisons between Group 'A' and Group 'B' – where only one gets the subsidy - can draw a link to family or political connections (real or, more likely, perceived).

Highlighting the degree of community interest in the subject area, a wide range of recommendations of the CP align with this topic:

- *(18) We recommend that all buildings be reviewed in terms of their feasibility and upkeep expenses.*
- *(19) Any unused spaces in libraries, community centres etc. that are costing the council to maintain should be leased out for non-for-profit services such as occasional care.*
- *(20) Unused and degrading buildings with little or no income potential should be reviewed in terms of their highest and best use. For example, former Concord West library site should be considered for sale, or turned into a profitable space such as an early childhood care and education centre.*
- *(36) Make space available for markets for arts, crafts, cultural foods, op shops, books, fashion etc.*
- *(37 & 47) Provide more teenaged youth services such as tutoring and work experience agencies.*
- *(38) Utilise unoccupied space for introduction of new programs...*
- *(49) Create youth events, blue light discos and film festivals (if funding available)*
- *(52) ...further opportunities for generating funds... by establishing cafes at Timbrell Park and Drummoyne Park (capitalising on foreshore areas).*
- *(56) Work with external operator to investigate user-pays community events in Council owned locations e.g. a Movie in the Park event, school holiday activities.*
- *(64) Certainty needs to be provided to community based early childhood services around rental lease agreements. Services need to be consulted and engaged with on an individual basis. The aim should be to preserve the fabric of community based early childhood services.*
- *(65) Consider what else can be done to address the shortage of early childhood education and care in the local area.*

- (66) consider holding more programs in Five Dock and Concord libraries to further promote use of these facilities.

It is proposed to devolve the decision regarding rentals (and thus subsidies) for council owned properties to a randomly selected jury from the community. (The parameters set by Council and detailed later in this document.)

The proposal will in the first stage address buildings, and following a successful trial be expanded to all assets including open spaces, sporting facilities and clubs.

In state and federal government, subsidies raise a question of pork-barrelling – a description which catches the worthy and the questionable in the same net. The topicality of this subject area in a national context coupled with its presence in the CP recommendations is why newDemocracy would request Council devolve this specific aspect of operation. We understand this is contentious. We ask you to consider that this is the precise reason it is well suited to an alternative decision structure.

Methodology – Some Background

Demarchy is a term popularised by John Burnheim, a University of Sydney professor, in his 1985 book *“Is Democracy Possible?”*. Despite receiving worldwide academic acclaim, it has never been deployed in a real-world environment.

Today we elect a small number of people (councillors) who are held responsible for hundreds of decisions on a wide range of issues. Demarchy, by contrast, is based on a network of numerous decision making groups given a narrowly defined remit. Each group of approximately 12 citizens deals with a specific function (i.e. transport, land use, parks) in a given area – it moves away from being a “generalist” system, aiming to free councillors to a more manageable set of priorities and a strategic focus while retaining a democratic oversight structure. (While 12 is the theoretical group size, nDF is recommending a larger group size to allow for limited attrition.)

The membership of each group is chosen randomly each year from all those who nominate they are interested in working on that topic. The clear, upfront delineation of the delegation of authority (their remit *and* their limits) drive response and desire for engagement beyond the activist groups into the broad mass of everyday citizens.

If the Council or community decides that certain groups of people should be represented in a subject area - such as the disabled on disability policies, architects in urban planning or sports club members in recreation services – then it is simple enough to draw a required fraction randomly from within these audiences.

Critically, **the term of service is limited to a maximum of six months**, and selection of new members is staggered so that skills and experiences can be passed on to newcomers. No re-selection of a participant can occur for at least 7 years. In this way more of the wider community can become engaged with Council rather than solely campaign driven groups.

It is proposed that Council begin a partial deployment in one service area as a prelude to a broader deployment if the trial as outlined proves successful in solving problems and earning community trust.

If successful and practical after a 12 month trial, Council are asked to agree to embed this as a permanent function, and expand this to other uses of Council assets.

Notably, in time Council will enjoy significant economies of scale as a single facilitator can assist multiple concurrent groups. The facilitation requirement for this process is far more 'light touch' and involves community capacity building rather than a more focal role. The facilitator plays a critical role at the first meeting of each group to establish norms and create a community rather than an individualistic outlook in the participants.

Selection of Participants

Invitations would be issued to a sample of 4,000 citizens from the electoral roll. Invitations will explain the process and ask the citizen to decide to opt in to be eligible for selection in a panel in the coming 12 month period. *(5% response rate required, 10% expected)*

Despite the opt-in nature of nomination, an invitation process is required to put the offer to the citizen in a clear and unfiltered way.

From positive responses, a 24 person sample is drawn electronically using basic stratification goals (age, gender, rates status) matched to Census data. The objective is to achieve a group descriptively representative of the community even if one subset of the community responds disproportionately to the initial invitation.

This sample is sent a comprehensive schedule and explanatory kit of pre-reading, with the output being for them to provide a final acceptance allowing NDF to finalise the Policy Panel.

Participants will be asked to commit to meet once per month for a six month period. The likely duration of a meeting is two hours, and scheduling is on a weekday evening.

It is recommended a small per diem payment be announced after this final confirmation and provided at the conclusion of the process – this may also be in the form of vouchers for council services. However, some form of incentive commensurate with the time commitment is viewed as essential by NDF. (This is suggested as \$200 for a 6 month term of service.)

Advantages of the Policy Panel

a. Demarchy involves an opportunity for a much larger fraction of the population to make decisions of policy, thus getting us closer to ideals of democracy.

b. Word of mouth sharing of knowledge of Council operations is enhanced.

c. The group is far less susceptible to power from pressure groups and media campaigns as no single individual can deliver an entire bloc of votes, nor do they have any avenue to ongoing participation nor re-election.

d. Greater diversity of representation, as the rigours of our current systems of election and community advocacy tend to dissuade certain professions and personality types from contesting. This is replaced by a simple nomination to an area of interest and a stratified random draw for participation.

e. Responsiveness to community interests is enhanced by narrow nature of mandate. Community groups have a 'go-to' entity to present a reasoned argument for consideration and deliberation, but not one they can seek to mount a populist campaign against.

Preparation and Information Process

Time and information remain the cornerstones of a successful deliberation. Council's experience with the Citizens' Panel has paved the way for this process to be possible (which it would not be in many areas of government).

Council will need to disclose

- a. the market value of all land and building assets.
- b. the lessees and the rent paid, along with a Council assessment of market rent.
- c. any ancillary expenses included with the lease.
- d. Total annual rental income across all facilities.
- e. Costs borne by Council such as maintenance, asset renewal, utilities or similar.

Through the meeting process, the panel may request a submission or an appearance from experts of their choosing, within an agreed budget limit.

The group will be allowed to hear directly from Council and interested groups or individuals. These entities are also able to make unsolicited written submissions for their consideration.

What Does the Policy Panel Decide?

It is important that the limit of the group's decision making authority is pre-agreed and clearly conveyed.

It is proposed that the remit of the first Panel is to respond to:

The Policy Panel has oversight of Council-owned buildings formally leased to third parties for their sole use on a discounted or subsidised community basis, and makes

recommendations with regard to the policy on lease conditions they see as fair for the proposed use.

Implicit in this is a decision regarding which subsidies should be introduced or increased, and which reduced or eliminated.

The objective is to ensure a subsidy program delivers certainty, fairness, value, transparency and is trust among the wider community.

In terms of authority, it is proposed that:

A Policy Panel recommendation is referred to Council for final approval where supermajority agreement is reached (80%).

The Panel must work within the guidelines for preferred range and level of services set down by the Citizens' Panel 2012, and a budget agreed by Council.

In terms of disclosure, it is proposed that:

The Policy Panel will publish a short explanation of the reasoning behind their deliberated result, whether the decision was unanimous and any minority dissenting view(s).

The published decision should be supported by the reference documents they relied upon to reach their deliberated position.

Example Report Decision

Decision: All hunting groups should pay full market rates for council buildings.

Documents used (attached): Council financial report on building costs, pg 9.

Letter (April 1, 1956) (pdf) from Duck Hunters Canada Bay.

Submission by Fox and Hound Club Five Dock.

Submission by ABC group.

Rationale: The Council Financial report indicates that of the three buildings used all are paying peppercorn rents (under \$1000p.a.), but the operational and maintenance costs are \$23,500, and the estimate of rent foregone is \$46,000. While we note that one group contributed a donated building in 1956, the benefit in rent on the land accrued over the years equalises this. In our view, the community does not need to provide an ongoing subsidy to this group as there is no broader community interest.

What Constitutes a Decision?

In order to shift the public mindset from adversarial, two party, either/or contests and convey a message of broad based support for the recommendations, the Foundation suggests an 80% supermajority be required for a final decision from the group – single abstainer not being sufficient to impede a recommendation, but their minority voice being clearly noted for the Council's consideration.

Timing?

It is proposed that this Policy Panel would be recurrent every 4 years. A range of decisions on sites and guiding principles will be made by the 2014 Panel to provide Council guidance and confidence as to the community view. This view should be tested as values and needs change once per Council term.

Operations

An independent facilitator is required to assist the Policy Panel to ensure equality of voice among a diverse group of participants. The facilitator's role focuses on capacity building for the group and is a 'lighter touch' than a normal community process. As a result, a single facilitator can host multiple groups in due course.

Meetings would take place within Council facilities as an appropriate low cost venue.

It is envisaged that more numerous but shorter duration meetings reduce the expense associated with catering and AV, while the narrow nature of remit considerably lessens the time commitment from a range of Council staff in comparison with 2012.

Costing Outline

The process is relatively low in cost due to the smaller format of the Policy Panels, with the trial costing approximately \$15,000 and declining over time if adopted as permanent.

Printing and distribution costs for the initial invitation process are the primary expense (approx. \$5,000), with the facilitation requirement offering a chance for savings as the project scales – if Council chooses to adopt the process and deploy this in three or four operational area the increase in facilitation cost would be negligible with the same service provider able to manage multiple groups on the same evening. Facilitation is estimated as a \$5,000 cost.

The catering expense is significantly reduced with the shorter meeting structure.

The council should consider the option of paying a per diem per participant at the conclusion of their service (approx \$200 cash pp, so \$4,800 per 6 month period).

Key Issues to be managed:

- Initial face to face engagement and introduction with current lease holders prior to any public announcement, to be led by NDF.
- Recognition of historical contributions (financial and/or physical) made by property users to the buildings they occupy.
- Opportunities for non-users to gain access to spaces/buildings
- Agreement by Council as to whether the proposed topic is appropriate and meaningful.
- Preferred method of interface within council operational areas to ensure accessibility to staff while minimising disruption.
- Community group engagement.
- Delivery costs and detailed operational schedule.
- Communication task - all deliberative processes (ideally any engagement process) must end up being an education campaign for the broader community to reduce the vox pop responses to questions concerning local government. There is a community view the decisions are somehow easy: achieving the transformation to recognition of the complexities is a core part of the process' operation.

Suggested issues management

- NDF to be available prior to commencement of Policy Panel to brief lessees, sporting clubs and other stakeholders who will need reassurance about the process.
- Community groups and interested residents to be invited to make submissions or to seek meetings with panel throughout process.
- Panel to determine a model through which they will consider historical contributions in a fair, equitable and consistent way.

DRAFT TIMELINE FOR 2013 DELIBERATIVE PROCESS:

POLICY PANEL: FAIR USE OF COUNCIL BUILDINGS

Remit: *How can Council get the best use from its facilities?*

What rental subsidies should Council offer for Council-owned facilities – and who should get them?

This Policy Panel will consider the use of Council facilities leased to third parties, and make recommendations with regard to their fair use.

Objective: *Certainty, fairness, value and transparency.*

Now	Council and Steering Committee preparatory planning session. Key topics: <ul style="list-style-type: none">➤ Agree Academic Oversight Representatives➤ Identify required background materials for inclusion.➤ Revise/ amend/ review this program.➤ Final budget approval.
Late November	Invitation sent to a random sample of 4,000 citizens drawn from the electoral roll or council GIS system. Estimated 10% positive response rate. Recruitment of independent, skilled lead facilitator. Heavy PR push to drive highest possible response rate.
December week one	First round selection to secure available participants. <ul style="list-style-type: none">➤ Seeking 24 panellists.➤ Explanation of commitment required: attendance at all elements of process (one weekday evening per month in person), including potential online discussion presence.
December week two	Finalisation of participants. Provision of welcome kit of materials. Potential to open up online discussion environment for participants.
Asap on Council OK	PR push to build awareness of review structure.
Meeting 1 (Week 2 Feb) (approx. 3 hours)	Opening day – The Learning Phase. <ul style="list-style-type: none">➤ Introduction of the topic upon which they will deliberate: understanding remit and authority.➤ Explanation of influence and context: what will be done with the results the group produce.➤ Agreement on group guidelines for participation.➤ Introduction to decision reporting.
Meeting 2	Building Understanding <ul style="list-style-type: none">➤ Discussion to understand the key variables within the operational

<p>Start + 21 days (2-3 hours) <i>Weekday evening scheduling.</i></p>	<p>area.</p> <ul style="list-style-type: none"> ➤ Requests for expertise and information.
<p>Meeting 3 <i>One month later</i></p>	<p>Topic Exploration</p> <ul style="list-style-type: none"> ➤ Councillor discussions. ➤ Council staff discussions. ➤ Third party expertise and insight
<p>Meetings 4, 5 and 6 (and others if required) <i>Approx monthly. Approx 2 hours.</i></p>	<p>Initial decisions:</p> <ul style="list-style-type: none"> ➤ Recommendations for a given area of use at next lease review. ➤ Presentations for requests for subsidy and discourse with user groups.