

Outline of Concept – Byron Shire Council

December 2017

*Trialling a **Community Solutions Panel***

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** NewDemocracy is an independent, non-partisan research and development organisation. We aim to discover, develop, demonstrate, and promote complementary alternatives which will restore trust in public decision making. This process design outlines how we will work with Byron Shire Council to explore and stimulate further research and development.*

1. The challenges facing Byron Shire Council

Byron Shire Council (BSC) is at a crucial juncture in its long-term planning with an upcoming review of its Community Strategic Plan (CSP) which will, in turn, inform the development of a new four-year Delivery Program and annual operating plans and budgets.

Having recently applied for and had approved a special rate variation providing for a 30%+ lift in rate revenue (over four years), Council must still grapple with the challenge of addressing some key infrastructure concerns. Population growth, tourist impacts, high rainfall, rising community expectations and regulatory requirements are such that Council must, more than ever, ensure it is able to make informed and trusted decisions about the maintenance and renewal of its wide asset portfolio. **A large rate rise creates similarly large expectations, but the reality of what assets can be renewed with this revenue is different – while the capacity for any further increase in rates anytime soon is now effectively nil.**

Exacerbating this, any non-deliberative approach (collating opinions and using blunt-edged survey tools) erodes public trust: the public perception is that these are framed and phrased to generate Council's preferred result. This is often true.

Moreover, Council can find itself in a thankless position where opposing interests will never accept a result that does not find in their favour. The relationship between the two documents Council must develop, the Community Strategic Plan and the Delivery Program, reflects this inherent tension: vision and aspirations versus finite resources. This is the central challenge we aim to overcome.

Council has a plan to engage with the community thoroughly on this front; to go deeper in talking about how resources should be allocated over coming years, embarking on the hard conversations about priorities, growth, development and service levels. BSC, like many other small, regional councils, must do this within limited means and find a way to genuinely build a role for residents as a complementary voice and input in making public decisions.

BSC has already engaged a leading community engagement and facilitation firm to develop and deliver an extensive community and stakeholder consultation program that will inform the development of a new CSP. Council has also expressed a preference to work with the newDemocracy Foundation (nDF) to see if a community deliberation can be designed which delivers an informed voice of everyday people. **This informed voice will directly consider resourcing issues which will be at the centre of Council's Delivery Plan.** newDemocracy's intent is to undertake a bespoke jury-style process – a Community Solutions Panel – so that a group of randomly-selected local residents with time, free access to information, a clear authority and given the starting point of possible solutions (prepared by active interests and Council), can reach a shared, considered judgement, reflecting the views of everyday people and thus assist councillors to make a more widely-trusted public decision.

2. How can a deliberative approach assist BSC?

The Byron Shire is well known as a domestic and international tourist destination, with its economy benefitting from, and having a large reliance on, over two million annual visitors. Local residents and tourists alike place significant value on the unique character of the area and its lifestyle. The conundrum before Council is how to balance protection of that character with demands for more, and higher quality, infrastructure. Existing assets are already stretched to provide for residents, and are stretched even further through visitor demand.

With rates recently increased, the next issue to be addressed is this: *how should the money generated through the rate increase and earmarked for expenditure on infrastructure be prioritised, and how should those priorities be funded if rates alone are not enough?*

Byron Shire has many active interests including an array of groups, organisations (formal and informal) and vocal individuals. All have considered various solutions to community dilemmas. They will each bring a perspective to bear on this question. The challenge for nDF is to provide a methodology which all interests can see is fair and can therefore accept the result(s). It is our contention that deliberation (finding public judgment rather than raw public opinion), coupled with the early and specific involvement of stakeholder groups is key to achieving this. **Engaging these organisations and individuals to provide input to the material presented to the panel and to produce the potential solutions available to the community will be a key means of achieving that trust. The process must be transparent, robust and genuine, in order to achieve this.**

With the sequencing of activities to inform the development of the draft CSP, we expect that it will be on exhibition in February 2018 and that a deliberative engagement would logically follow in March/April. The CSP will be a broad document, setting and encompassing all the broad aspirations of the Byron community. It is not the place where trade-offs will be considered. This provides an ideal opportunity for a stakeholder-led, jury-style process to build on the CSP (and therefore inform the Delivery Program) which specifically addresses prioritisation around infrastructure and assets and leaves the door open for non-rates-linked options if agreement can be reached around a solution that cannot otherwise be funded.

3. What will we ask citizens to decide and recommend to Councillors?

It is of central importance that the limit of the group's decision-making authority is pre-agreed and clearly conveyed. This must be expressed simply, broadly and openly so as not to be interpreted as directing a particular decision. It will serve to focus the group's discussions.

Broadly speaking, it is proposed that the remit of the citizens is to reach agreement on a recommended application of the income generated through the special rate variation of 7.5% per year for four years approved by IPART in May 2017. The money generated by the increase is intended to reduce Council's infrastructure backlog and improve financial sustainability. Council's new Delivery Plan must articulate how this will be prioritised between roads, stormwater drainage, rural drainage and culverts, buildings, public amenities and parks. The question put to the panel will be:

15,388 rate-paying properties. 32,790 local residents. Over 2million annual visitors.
All use and rely on the infrastructure that Council must maintain and renew.
Rates have been increased and this won't change again soon.

What infrastructure spending should we prioritise, and how should we fund these priorities if the rates alone are not enough?

In this instance, nDF is proposing to involve the community (organisations and individuals) in defining the information provided to the panel and the specific series of draft/potential solutions to be put to the panel. Due to limitations of time and budget – but assisted by the expected willingness of these interested people to contribute their answer to the remit – this will allow for a shorter process than a full jury-model would require, but will still arm Council with the benefit of a deliberated outcome from the panel.

We think the community view of greatest use to Councillors is to learn what changes in position emerge from a randomly-selected representative group of citizens (a group that mirrors the area's demographics). This group will have heard from a wide range of active interests, had a chance to ask their own questions and identify sources they trust, then discuss and deliberate upon the merits of each. newDemocracy proposes to poll panellists on their preferred solution at the commencement of the process, before allowing them to immerse themselves in the question and develop their recommendations on solutions to Council. Council will receive initial responses as well as the outcomes generated after participants have explored multiple perspectives and delved into questions which add to their understanding of the problem and proposed solutions.

Additionally, a key component of the final day is to frequently mix the citizens so they can explore why they prefer a particular option, and what would need to change about certain options for their view to change – and thus *if* (perhaps with conditions) they are able to find any common ground around a community-designed solution.

The solutions being considered by the Panel would be surfaced through a series of interactive community workshops that are open to all interested organisations and individuals. As well as having an important functional role, these workshops will provide an opportunity for Councillors and

Council's senior leadership to communicate why the Panel is being convened as a new direction in democratic engagement for the Shire. The workshops will include an outline of how the Community Solutions Panel will operate; provide an opportunity for participants to give input on what information they believe should be included in the Panellist's initial briefing book; and introduce participants to a template through which written solutions to the Panel remit (from the perspective of each individual or organisation who wishes to submit one) can be submitted. For those who do not wish to complete this in a written form, an option for a short video-capture will also be provided.

This collection of written and video content will showcase the range of competing interests relevant to the topic, each prosecuting their case for the jury's consideration, with this material supplementing a baseline of information which Council also provides.

In terms of authority, it is proposed that:

The unedited recommendations of the panel will be published by Council.

An in-person response to your recommendations will be given by the Mayor and Councillors in April 2018.

The recommendations will be implemented in the Delivery Program when it is adopted in June 2018.

In short, this needs to pass the test of being the single best offer to participate in a shared public decision that a citizen can ever expect to receive - and this is central to the very high positive response rates we are able to achieve for invitations of this type.

4. Core Methodology

This project will operate in four key stages, each funnelling into the next, with this iterative process outlined below. A detailed activity and milestone list is attached to this Process Design.

