

Waverley Council

# **INNOVATIONS IN DEMOCRACY**

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*Decisions are best when taken closest to those to whom they apply@*

Commission for Local Democracy

# **INNOVATIONS IN DEMOCRACY**

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## INTRODUCTION

*This paper looks at how citizens can be more effectively involved in local governments' decision making processes*

This paper is the result of research conducted in September 1997, and primarily looks at the issues of citizenship and local democracy in the UK. The work stemmed from a request by the General Manager of Waverley Council to research democratic practice or, in other words, how can citizens be more effectively involved in local government and its decision making processes.

*Waverley Council has a background in participatory systems..*

Waverley Council is not new to this concept. In 1987 a newly elected Council made a significant move away from a purely representative model of governance by establishing a variety of project specific participatory systems including, of most relevance to this paper, a number of precinct committees.

*..an example of which is Precinct Committees*

A precinct's perimeters are smaller than both local government boundaries and those of the electoral ward. Each area has a precinct committee which acts as a forum for the discussion of issues specific to that locality, and provides a platform for presenting their views to councillors and Council staff.

*This paper aims to add value to existing practice by..*

In view of this, rather than preaching to the converted, the paper intends to add value to the policy of public participation that is already in place in Waverley Council.

*..establishing the relevance of the British experience..*

The British experience is of interest because significant resources are being invested into a number of pilot programs to develop democratic innovations at local level. For different reasons, both local and national levels of government are encouraging the development of participation at the same time.

*..where new approaches to local governance are being tested..*

This year the British government will be publishing a White Paper on local government which is expected to propose greater involvement by Councils in economic, social and environmental development, promote local partnerships with non government organisations and require that a proportion of councillors in each locality are elected annually.

In addition, in September a private member's bill was introduced to Parliament which proposes that authorities experiment with different styles of leadership and decision-making structures and encourages democratic innovations - including the possibility of elected Mayors.

*..for example elected Mayors..*

This Bill in part stems from the election promises quoted in New Labour's manifesto as 'Democratic Innovations to be encouraged including pilots of elected Mayors in cities'.

*..and the formation of the Democracy Network*

At the local level, the Local Government Association, partly sponsored by the Local Government Management Board, launched a Democracy Network in June 1997. Its mission is to encourage and support innovation, disseminate best practice and identify areas for further research. Over half of the authorities in England and Wales had joined this network at the time of my trip.

As shall be seen, this does not imply a unanimity of policy between national and local governments, however it has brought together some interesting research on the subject, and resulted in models of participation not yet seen in Australia.

*The paper sets the scene..*

The paper begins by giving a snapshot of the structure of local government in the UK. The aim is to put what follows into context and give the Australian reader a benchmark against which our own circumstances can be compared.

*..before questioning why new structures are needed..*

Secondly, the paper asks why any new democratic structures are needed in addition to the inherent democracy of the ballot box. If you elect a councillor to make the decisions, do you need any further involvement between elections? This section tries to put the innovations into some kind of policy framework, parts of which have direct relevance to Australia.

*..and exploring what these structures may look like before asking..*

The body of the report concentrates on describing the various models that are being piloted in different parts of the UK. While it is too early for conclusive lessons to be learned, some observations are made about the strengths and weaknesses of various models.

*"what can Waverley learn?"*

The paper concludes by asking the question 'what can Waverley learn from the UK experience?'.

## LOCAL GOVERNMENT IN BRITAIN<sup>1</sup>

Until 1996 local Government in the UK had operated a two tier system - England (outside of the major conurbations) and Wales having district and county councils, Scotland regional and district councils.

*Unitary councils are new, and being phased in..*

Since 1 April 1996 all purpose - or unitary - councils have provided the entire range of local government services in Scotland, Wales and parts of England, although there are joint arrangements between authorities for some functions. Scotland's three islands councils were already unitary councils.

As at April 1996 UK local government had:-

35	English County Councils
32	London Boroughs
1	Corporation of London
36	English Metropolitan Councils
274	English District Councils
14	English Unitary Councils
22	Welsh Unitary Councils
32	Scottish Unitary Councils
26	Northern Ireland District Councils
<b>472</b>	<b>Total number of Local Government Authorities</b>

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<sup>1</sup> The majority of this section is extracted from the Municipal Year Book 1996.

*Police authorities are no longer a direct government service*

Police services in England and Wales are overseen by freestanding police authorities which came into being in 1995.

From 1st April 1997 there was further phase of reorganization with the introduction of 14 new unitary councils, which are the result of amalgamating some or all of the services of a least two tiers of local government (eg County and District). The amalgamation process for these was still occurring during this trip.

*British Parliament is the source of all local government power*

Under the British constitution Parliament is sovereign. So local authorities' responsibilities stem from Acts of Parliament, ministerial orders and regulations. Roughly 18% of local authorities' income is derived from revenues under councils' own control, such as rates; the rest comes from a variety of Government grants. As the Municipal Year Book says, *There is an all-party view in local government that central Government has too dominant a role and local authorities are lobbying for their powers to be enhanced.*@

## **FUNCTIONS AND RESPONSIBILITIES**

### **England**

*The different tiers of local government include Counties.*

County councils generally have responsibility for strategic planning, highways, traffic, social services, education, libraries, fire, refuse disposal and consumer protection.

*..District Councils..*

District Councils run local planning, housing, environmental health, markets and fairs, refuse collection, cemeteries and crematoria, leisure services and parks, tourism and electoral registration. In April 1996 13 unitary authorities were born handling all local government services in their area; the Isle of Wight has been unitary since April 1995.

*...and metropolitan authorities*

London boroughs and metropolitan districts. These councils, together with the Corporation of London, are all unitary authorities and run all services in their areas. These also have joint authorities to run wider services in their conurbations such as fire and civil defence.

*An Australian equivalent: devolution of State functions?*

It can be seen that from an Australian perspective the nearest equivalent to the amalgamation of the County and District Council functions into a unitary authority would be the devolution of State government powers into new authorities, brought into being by the

amalgamation of existing Councils.

### **Wales**

*The structure of local government differs between countries within the UK*

Until April 1996, 8 Welsh county and 37 district councils had a similar range of functions to those in England. In April 1996 these counties and districts were abolished and were replaced by 22 unitary councils responsible for all local government services.

### **Scotland**

In April 1996 the 53 districts and 9 regional councils were abolished and replaced by 29 all-purpose unitary councils. The 3 Island councils were already unitary councils, making a total of 32 unitary councils in Scotland.

### **Northern Ireland**

Northern Ireland's 26 district councils have far fewer functions than their mainland counterparts, dealing mainly with environmental health, refuse collection and disposal and leisure.

## **SELECTED COUNCILS**

*Elected Council has ultimate authority ... and there different election cycles within the tiers..*

Ultimate authority for a council's policy and decisions rests with the elected council of each authority. County councils are elected once every four years. In that year, district councils within the area of the County Councils do not hold elections. In the intervening years some of these districts elect a third of their councillors in each of those years, while others have whole council elections once every fourth year. Elections to metropolitan districts are also held by thirds. The London borough councils are elected on an all-out basis every four years.

*..except in Scotland and Wales.*

Elections to the new Scottish and Welsh unitaries will be held on a whole council basis every four years - the next contests will be in 1999.

## **THE COUNCIL**

*How councils operate*

The full Council is the main forum for debate and decision and all elected councillors take part. They elect one of their number to preside over the Council - known as Chairman, Mayor or

Convener according to the type of authority. In most instances it is customary for the leading member of the political party holding an absolute majority to be known as the Leader of the Council. "Hung Council" is the name given to authorities in which no single party or coalition can claim a majority.

## **COUNCIL COMMITTEES**

*How the committee system works*

As in Australia, much of the work of running Council affairs is delegated to committees of elected councillors. The number, range and scope of the committees is entirely in the hands of each authority and the pattern can vary widely. Most will have a committee for the main functions e.g. Finance, often known as the Policy and Resources Committee.

In principle all decision and actions by committees must have the approval of the full Council. In the less contentious areas this amounts to a formal approval at the Council meeting but on important issues the Committee makes a recommendation to the full Council which then has the absolute right to accept or reject it.

## **SUMMARY**

*Australian councils have greater autonomy, but fewer powers*

While there are many similarities between NSW and British local government, it could be argued that our version has greater local autonomy, relying more on local taxes to fund services. On the other hand our councils have lower budgets and fewer direct services to manage - education, fire and consumer protection services being the most obvious exclusions.

## WHY HAVE NEW DEMOCRATIC STRUCTURES ?

*Councils are held in low public esteem*

In Britain, as in Australia, local government suffers from a bad image. One symptom of this is the apparent reluctance of many people to become involved in the decision making processes of Council between elections. The exception being when a direct and tangible threat is posed to the citizens of an area.

*...public apathy is reflected in low voter turnout.*

In most cases apathy appears to be the hallmark of the citizens= relationship to their local council. Indeed in Britain, where voting is not compulsory, the same can be said of citizens *at* election time. In one study<sup>2</sup> only 40% of Britons<sup>3</sup> turned out to vote at sub-national elections.

*If the public doesn't want to get involved, why force the issue?*

So why, given that the average citizen does not appear to be asking for a greater say in local affairs, should energy and resources be committed to involving them? Isn't there a danger that those who have committed themselves to local issues, the elected councillors, will feel undermined in a participation process superimposed on the electoral system? Also, in setting up new forums isn't there a possibility that the inefficiencies of democracy will be made more so?

*...because it can be argued that apathy is a symptom of democracy in decline..*

In the UK these questions are actually turned on themselves. The response becomes that it is precisely because of the apathy of citizens that democracy at the local level needs shaking up. The root causes of this disinterest are seen as a significant democratic issue. A number of causes for the decline in participation are speculated upon and explored below, but the message is that the disinterest of people to local issues is a symptom of democracy in

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<sup>2</sup> Rallings/Temple/Thrasher - ACommunity Identity and Participation in Local Democracy@- 1994 Commission for Local Democracy

<sup>3</sup> the same study quoted Australian turnout in States where voting is not compulsory at 35%

decline, and not a reason to maintain the status quo.

*..and radical change is needed if local democracy is to be resuscitated.*

In June 1995 the Chairman of The Commission for Local Democracy, Simon Jenkins, said *Nothing but radical change can halt the drain of democratic activity from British local government, and therefore from British politics itself*<sup>@</sup>. The Commission's 1995 report<sup>4</sup> went even further saying that the relationship between central and local governments was so deeply flawed that it contributed directly to the emasculation of democracy over time: it *has diminished turnout at elections; made local Councils less representative of their communities; reduced the local taxation base; and eased the removal of discretion and power from local democracy to unelected agencies.*<sup>@</sup>

What evidence is there to back up these assertions?

The Commission's report identifies 10 elements which have either caused the decline, or are evidence of it:

*A renaissance is needed..*

### 1. **Finance**

*..because Councils have decreased powers to raise money...*

Local governments are no longer free to raise funds to commit to local causes, and the freedom to spend centrally-donated funds has also been greatly decreased. Much of this can be traced to 1976 when the IMF was called in to a country buckling under debt. After a period of voluntary spending limits, new controls were introduced; targets, penalties, rate capping and the short-lived poll tax. Increasingly, how much could be spent and on what was determined by central government. Now business rates can no longer be set by local Councils. At each turn of Westminster's screw on local finance has come a corresponding reduction in local accountability and autonomy.

### 2. **Functions**

*..services and powers have been eroded...*

Powers to deliver housing and education have been reduced, and the input of locally elected councillors to the health services, ports, transport and water supply has also been dramatically shaved. This has partly been a function of the privatisation of services, and partly been due to the increase in Corporations, commissions and other quangos<sup>5</sup>. Council's role as local employer has been reduced by

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<sup>4</sup> <sup>@</sup>Taking Charge: The Rebirth of Local Democracy<sup>@</sup>

<sup>5</sup> Quasi-Autonomous Non-Government Organisations

approximately 2,400 jobs per year over a 10 year period to 1995, largely as a result of compulsory competitive tendering (CCT). Finally, the number of Councils themselves have been reduced, the Local Government Act 1985 resulting in seven being wiped out with the loss of nearly 700 councillors. The ratio of councillors to public in Britain stands at 1:1,800, compared to averages in other western nations between 1:250 and 1:450. In Waverley which had a population of 61,674 on census night 1996, and 12 councillors, the ratio is 1:5,140 – a great deal “worse” than either the UK or the averages for other nations.

### 3. **Quangos**

*...and been assumed by non-democratic organisations*

Many of the above functions, and new functions devolved from central Government are now under non-government, and non-democratic control.

### 4. **Local Accountability**

*..councils have been forced to see themselves as service managers..*

The nature of local accountability has changed dramatically with the advent of CCT which has pushed Councils into the role of service manager, rather than as a mirror for local opinion. With this has come an equally stark increase in Council decisions being questioned by judicial review<sup>6</sup> and greater compliance requirements

### 5. **Democratic Activity**

*..the voters have become apathetic..*

Evidence of low voter turn-out at elections as indicated previously in this report

### 6. **The Work of the Councillor**

*..councillors are badly paid and not demographically representative...*

The low remuneration afforded Councillors attracts people from a narrow and unrepresentative cross-section of the communities they serve. A 1993 survey indicated that only 25% were women, 80% were over 45 and a third were retired. There is also a relatively high turnover rate of councillors, a significant proportion of them having served only one term and is in the 35-44 age group.

### 7. **Public Confidence**

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<sup>6</sup> Leave for review was sought 160 times in 1974, by 1993 this had grown to 2,886 cases.

<sup>7</sup> Taking Charge .....@pp 16

*..public confidence in some services is low..*

While individual services such as libraries, refuse collection, schools and leisure facilities record high levels of consumer satisfaction and others, such as road maintenance, receive much less. The majority (60%) questioned in a survey agreed that local authorities are too remote and impersonal. There was also discovered to be a high level of ignorance about the services provided by local councils. The attitudes of the bureaucrats in central government were also of concern. They viewed local authorities as *lacking constitutional coherence* and saw them primarily as *deliverers of centrally determined services and not part of the nation's democratic life*

#### 8. Political Parties

*..mainstream parties can also damage local democracy...*

The strength of mainstream political parties, with their organisational machinery, can marginalise local candidates campaigning on local issues. Local elections can become focussed on national issues and be seen as a mid-term poll for the national government, something which detracts from local issues. However the report states that overall political parties stimulate public interest and strengthen local democracy.

#### 9. Managing Democracy

*...by being secretive ...*

The Commission was highly critical of the way Councils' affairs are managed; *the system encourages political parties to continue private informal management of councils and grants them inordinate power. The basis of local administration is both secretive in itself and confusing for the bulk of local people. From that confusion arises apathy and cynicism towards local democracy.*

#### 10. The European Union

*..and external powers and money are good and bad.*

This presents both opportunity and threat. The EU is an important source of funds for local development, which is largely independent of national restrictions. On the other hand it imposes standardisation of both policy and practice, something which exacerbates that lack of local accountability already felt via national controls.

The above points explain why many believe that, broadly, local democracy and, more specifically, local government are in state of decline. However they presume that local democracy is important,

something we have already seen can't be taken for granted.<sup>8</sup>

*Is local democracy important?*

It is not the intention of this report to get into a philosophical debate on the nature and value of local democracy and government. However it may be worth revisiting some of the claims made in its favour:

*Yes, because it is ...*

**Anti-authoritarian:** It is one part of the check and balance against the tendency of the centre to become authoritarian, licensed by its concentration of power.

*...makes*

**Local decisions:** In order to be effective, action should have its roots in the ground it is setting out to change. Local decision making should be informed by local knowledge.

*...provides*

**Locally customised services:** Services need to be designed to meet local need. The trend towards globalisation of services is moving against this kind of customisation. Local democracy, in which services are either purchased or provided locally can still be an antidote to the forces of globalisation (although not always an effective one; for instance on relieving unemployment)

*..is a forum for*

**Local participation:** Local democratic networks are the most accessible for the citizen who wishes to participate in the democracy - the right to participation being a hallmark of democracy. Despite the observations in 6. above, local elections have tended to produce more demographically representative results than their national counterparts.

*.. and allows for*

**Local variety:** local autonomy makes more likely the chance of a truly innovative solution being found to a problem which may not be confined to that area. In this sense local areas can become the seedbed for ideas that have broader applicability. On the other end of this argument is the one that says the local delivery of national initiatives will better tailor them to local need.

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<sup>8</sup>

See 7 above, and Attitudes to Local Government in Westminster and Whitehall - Jones/Travers 1994



## SOME INNOVATIONS IN DEMOCRATIC PRACTICE

*Democracy Network launched to foster better practice..*

The newly formed Local Government Association (LGA) has taken the lead in fostering democratic innovation in the UK by launching The Democracy Network in June 1997. Research by Professor John Stewart at the Institute of Local Government Studies at the University of Birmingham predated this initiative and continues today. Much of this section uses the work of John Stewart and the LGA as its source.

*..some examples of which follow ..*

This section starts by presenting a summary of initiatives by category in the form of a matrix. It uses the same method of categorisation as employed by the LGA when it reviewed current practice. It then extracts a few initiatives and looks at them in greater detail.

UK DEMOCRATIC RENEWAL INITIATIVES <i>increasing the participation of citizens in local government</i>		
Category	Name	Description
Electoral Process	General	In a country where voting is voluntary a range of activities to promote voter participation are undertaken in most local government authorities. These may involve anything from projects in schools to campaigns aimed specifically at the young to <i>‘Don’t Lose Your Vote’</i> campaigns. A 1996 study <sup>9</sup> casts doubt on most of these initiatives, suggesting that they have little effect. Then issues are not explored here as they have little relevance

<sup>9</sup>

*Enhancing local electoral turnout ...* Rallings, Thrasher and Downe

		in Waverley or NSW
Communities of place	Neighbourhood Committees (1)	Councillor committees to which all possible powers and authorities are delegation by a council ( <i>Tower Hamlets</i> ).
Communities of place	Neighbourhood Committees (2)	Similar to the above, but with minimum council-wide standards being imposed. The committees are free to experiment with programmes and services ( <i>Kingston Upon Thames</i> )
Communities of place	Area Committees (1)	While constrained by council policy, these committees have limited budgets and in certain respects can be self-determining (eg determining planning applications) - <i>South Somerset</i>
Communities of place	Area Committees (2)	These committees in <i>Bradford</i> have delegated budgets for such functions as highways and environmental management, and also service a comprehensive network neighbourhood forums.
Communities of place	Area Committees (3)	Meet on a ward basis to consider council views and reflect public opinion - ( <i>Birmingham</i> )
Communities of place	Neighbourhood Forums (1)	Join together councillors from the three levels of local government (County, District & Parish) with representatives from community groups to determine grants for local bodies and to comment on county council proposals - ( <i>Cumbria</i> )
Communities of place	Neighbourhood Forums (2)	Established alongside neighbourhood council offices to consider local issues. Advisory in nature, councillors can attend but not vote - ( <i>Islington</i> )
Communities of place	Community Councils	Set up in most wards in <i>Middlesborough</i> they comprise elected residents and representatives from local community groups. Local councillors are de facto members and chair meetings considering council activities
Communities of place	Area Liaison Panels	comprising reps. from the three levels of local government to review the <i>Arun</i> districts= service delivery performance and to assist in the annual strategy review - reports to Policy and Resources Committee
Communities of place	Community Needs Analysis	Brings together statistics, a residents= survey and the views of community reps and front line workers to explore the needs of particular communities - <i>Leeds</i> .

Communities of place	Village Appraisal	Similar to Leeds example except that the subject of the appraisal is decided locally via a Steering Group - <i>South Somerset / Richmond-Upon-Thames</i>
Communities of place	Community Auditing	Again, similar to the above but the outcome is a compact between the district, parish and steering group on action to be taken and the action each party will take to influence other local organisations - <i>N Kesteven</i>
Communities of place	Investing in the Community	<i>Sandwell</i> supports democratic non-government organisations and networks to tackle problems at local level
Communities of Interest / Concern	Various Forums	Standing forums have been established in a number of areas, usually based around a <i>hot</i> issue (eg security for tenants of public housing). The purpose is usually to share views, discuss and resolve conflict, determine action.
Communities of Interest / Concern	Consensus building	Brings together groups in conflict or with opposing views with the specific purpose of finding collective solutions.
Communities of Interest / Concern	One-off focus groups	Involving people to discuss a specific issue - eg interest groups from three service areas - education, social services and environmental transport - as part of a qualitative stage of a study of views on Council spending - <i>Shropshire</i> .
Communities of Interest / Concern	User Involvement	Extends the idea of participation into decision-making where special interest groups (eg handicapped people - <i>Stockport</i> ) have a say in how their clubs are run and how budgets are spent. A similar approach is used in housing co-operatives
Direct democracy	Referenda	While there is no specific part of the Local Government Act which provides for referenda, they have the same legal basis as opinion polling (eg <i>Coventry</i> held a referendum on its budget in 1981)
Direct democracy	Teledemocracy	No examples in the UK however this has been flagged as a significant development of the future
Seeking the Informed View	Citizen's Juries	A small group of <i>representatives</i> meet as a jury to explore a specific policy issue - conclusions of the process made public and the local Council is bound to take them into account (though not generally to act on

		them)
Seeking the Informed View	Research Panels	In <i>Bradford</i> some 2,500 interested citizens have been selected to be involved in regular opinion surveys about services. One product of this is to identify how and why individual's views, knowledge and behaviors changes over time.
Seeking the Informed View	Standing Citizen's Panel	Similar to Bradford's example, <i>Kirklees</i> has put together a Talkback Panel of 1,000 people weighted for gender, age, ethnic background and occupation - consulted three times per year
Seeking the Informed View	Consensus Conferencing	Similar to Citizen's Juries, lay people typically deal with questions of scientific or technological subjects of political or social interest. <i>No UK examples</i>
Seeking the Informed View	Deliberative Opinion Polls	A large number of people (100s) gather to consider and vote on aspects of a specific issue. <i>No UK examples</i>

*Some of these methods are studied below and in the main are drawn from John Stewart's work.*

In *Innovation in Democratic Practice*<sup>10</sup> John Stewart investigated some of these methods more closely. What follows below describes some of the more interesting ways of employing participation in a Council's decision making processes; Consensus Conferencing, Deliberative Opinion Polls, Citizen's Juries and what is becoming known as Teledemocracy. Teledemocracy is worth closer analysis because it is an emerging prospect, one which may well be driven by forces outside local control, but could be able to be employed by Councils in future.

It should be noted that generally these exclude processes for involving the community<sup>11</sup> but describe models which seek the informed views of the community.

### CONSENSUS CONFERENCING

*There are ways of involving the public in technical issues..*

This forum is specifically designed to consider scientific or technological topics. A lay panel is selected by application (after advertisements are placed) and extensively briefed on the issue,

<sup>10</sup> University of Birmingham Institute of Local Government Studies - April 1995

<sup>11</sup> Such as panel round tables, Samoan circles and coffee klatches!

particularly its technicalities. Where necessary the panel asks written questions of the scientists prior to a three or four day conference. Denmark has a well established system of consensus conferencing and has considered such subjects as air pollution, food irradiation and electronic identity cards. They are expensive methods of participation costing over \$100,000 per conference.

### **DELIBERATIVE OPINION POLLS**

*..and seeking considered views through polling ...*

These differ from ordinary opinion polls in that they seek considered views, rather than immediate responses to questions. Again a representative group is brought together via application and selection. However the groups will be large, often in their hundreds, short lived (a day or two) and therefore less intense.

### **CITIZEN'S PANELS**

*..or through panels..*

These panels are new innovations and fall into two categories - Standing Citizen's Panels and Research panels. In both cases the panels will be large, a standing panel comprising one or two hundred people, a Research panel as many as 2,500. Participants are statistically representative of the demographics of the area (gender, age, ethnic background, occupation).

A standing Panel would meet regularly to discuss issues of major concern and where necessary vote on resolutions. Its primary purpose being both as a body which the local authority consults and as a means of creating a habit of citizenship by revolving the panel's membership.

A research panel is a representative group of people who are regularly surveyed for their opinions, usually over the phone or by post.

### **CITIZEN'S JURIES**

*..and juries..*

Citizen's Juries differ from most other consultative mechanisms because they are very structured ways of gleaning views and opinions.

A typical jury is characterised by:

- \$ being made up of between 12 people (UK) or as many as 25 (Germany), selected because they are demographically representative
- \$ considering a specific issue, often controversial, currently on a council's agenda
- \$ they meet daily, over at least four days
- \$ an independent moderator is often employed to facilitate smooth process
- \$ the witnesses are government officials, experts and people with vested interests who are brought in to give evidence and respond to cross examination
- \$ after debate the jurors draw up their verdict in the form of conclusions in a report which is presented to council for its consideration

The concept was developed in Germany and the USA (where the phrase 'Citizen's Jury' was first coined) independently. Since then it has spread through Europe, particularly Spain, and has been used on a number of locations in the USA.

John Stewart reported that the German and US models are distinct.

In Germany a jury, or 'planning cell' as they term it, is commissioned from an independent body by a sponsor, usually a local authority. The sponsor gives an undertaking that it will take account of the jury's finding in its future decisions and, if it does not follow the recommendations, is bound to publicly give reasons as to why it has not done so. As Stewart says, *They do not replace representative democracy but inform it by the considered views of citizens*.

In the USA it appears that juries have rarely been used to assist the decision making process. However they do attract significant media attention and can influence decisions via the pressure the public spotlight brings to bare.

As reported by Stewart issues tend either to be:

- \$ specific plans which have attracted controversy; for instance viewing a number of different architect's plans for the re-development of a Town Hall and making a recommendation, carried by Council, despite architect's opposition (*Cologne*),

or assessing the merits of proposals for new roads (Grevelsberg, Basque country).

Or

\$ broad policy issues such as the future of Energy Policy (West Germany), evaluating President Clinton's health care reform proposals (US) or considering the problem of children at risk (Minnesota)

## TELEDEMOCRACY

*Technology will present opportunities for new methods of participation in future..*

This term refers to technologies that allow the collection of citizens's views remotely via new technologies. It applies to both computer and telecommunications technologies. The infrastructure is most often cable - the telephone system and cable TV networks being the most used. Once people access these technologies the effects are manifold. A great volume of information can be accessed quickly and with greater choice (internet, cable TV), messages can be targeted with more discrimination (the Anarrowcasting@of cable TV), and they allow for *interactivity*, the most important trait in the context of this paper. They may also allow for greater decentralisation of power.

The debate about teledemocracy is about a vision of possibilities rather than any sense of certainty about what the future holds. Two extremes are possible to imagine.

*..but whether these produce less democracy and more isolation..*

Firstly there is the world where the citizen retreats into an service dominated cocoon of home delivered food, videos, cable TV and internet communication. Outings are limited to occasional dinner parties, a few educational seminars and the intermittent sensual experience of a meat, fruit and veg store. This is a picture of physical isolation where debate is electronic at best, vicarious at worst. It is a world in which the consumer makes prepackaged choices which are determined by equally remote politicians and bureaucrats. More sinister is the possibility that these political multiple choice questions are influenced by international capitalists, that globalisation has evolved so far, that politicians not only limit the responses to their own views, but that these are heavily influenced by the shareholders of foreign owned corporations.

Those that do not have access to the technologies have been marginalised to the point of disenfranchisement.

*..or more ways to become involved..*

A second, more optimistic view is that the new technologies essentially enfranchise the local view. They become tools of empowerment. No longer is political debate limited to whether you agree or disagree with media figures such as John Laws, this is a place where the views of Messrs Laws and Jones have been subsumed by the sheer mass of opinions available in local, national and international cyberspace. Local politicians make informed decisions because they are wired up to the opinions of their constituents via electronic surgeries, video- and teleconferencing. All policy statements by politicians are available to people at the press of a button. Access to the technologies is a right of every citizen.

*..only time will tell but there is likely to be a middle way..*

In reality the effect of new technologies will fall in between these two extremes.

Direct democracy, where the vote of the individual determines the policy, may be limited to organisations which espouse democratic values - co-operatives and community organisations for instance. This interactivity may prove useful in voting - by governments in referenda and major corporations in their Annual General Meetings.

As likely as this, is the growth in using this interactive capacity<sup>12</sup> to enhance consultation with communities. A number of examples of this are described by Janie Percy-Smith in *Digital Democracy*<sup>13</sup>

*Waverley Council should monitor developments*

While not of immediate concern to Waverley Council, teledemocracy is a trend, and an option, which should be monitored. Once the users of this technology reach a critical mass, it is inconceivable that it will not be employed, for good or ill!

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12 Waverley Council's web site ([www.waverley.nsw.gov.au](http://www.waverley.nsw.gov.au)) has the beginnings of such interactivity where citizens can (and do) email requests for actioning by officers

13 Commission for Local Democracy Report No 14- May 1995

## WHAT CAN WAVERLEY LEARN FROM UK EXPERIENCE?

The process of interviewing people and reading through the material collected lead to some observations.

*Waverley may have taken an innovative approach..*

It could be persuasively argued that Waverley (and some other NSW councils) has already taken an innovative approach to democracy, and with less cause than its UK counterparts. The driving forces behind the campaign to increase participation in Britain are not as starkly evident here. There is no issue with resident turnout at elections because of compulsory voting in NSW. The position of local government in NSW, while not as strong as many would like, has been less publicly undermined. While the range of services delivered is narrower, there is also less reliance on central funds in most service areas.

*..but many of the weaknesses – such as poor councillor:population ratios, rate pegging and CCT pressures - exist here too..*

However, there are similarities in other respects. Waverley's "democratic ratio" is poor by any European benchmark, with one councillor for every 5,000 residents. Rate pegging and other financial controls restrict the capacity of councils to finance services which respond to community need. National Competition Policy and current management trends are pushing the focus away from Councils as medium for making choices for a locality towards being an organ for commissioning efficient delivery of core services. Along this path the role of Councils as significant local employers is falling victim to outsourcing services to private sector bodies perceived to be more efficient.

*..then again, Waverley has a commitment to participation through a number of mechanisms..*

Against this background, a commitment to open government is high on Waverley's agenda. Second in its Key Values and Principles<sup>14</sup> is Openness (by which) we value community input and participation. Precinct committees have one full-time staff member supporting them and consume considerable staff resources as a variety of

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<sup>14</sup> Management Plan 1997-2000 page 13

officers attend to provide both input and to seek feedback. The process of putting together the annual Management Plan employs a range of consultative techniques, including face to face and telephone surveys, focus groups and public meetings.

*..and may be comparatively advanced..*

The first observation from this limited research is that Waverley appears, by British standards, to be fairly advanced in its consultative techniques and in the avenues it has laid for public participation in Council affairs; but only **A**fairly@advanced.

*..even though it rarely delegates any powers, and its structures are not demographically representative.*

Council has not undertaken any systematic external study to measure the effectiveness of its participatory systems (although one is in the early stages of development)<sup>15</sup>. It does not devolve any real powers to its participatory vehicles in the same way as, for instance, some British community committees have their own budgets and powers to determine local planning applications. And its precinct committees are not representative in the same way as some of the structures described which use demographically representative groups during consultation or in the delivery of services. Precincts are representative only by virtue of a limited electoral system, and suffer the same demographic issues as the local government electoral system.

*Any review of these structures comes down to a question of values..*

From this perspective, it's as well to ask how a council makes the choice as to which democratic structure to use in what circumstances? In the absence of the threats evident in the UK why do we wish to tamper with the electoral process in the first place. Why create supplementary democratic structures? Why does Waverley Council **A**value community input and participation@?

The answer to most of these questions appears to be **A**its values@.

*..which, if restricted to listening to the electorate, may be adequately satisfied..*

If Waverley simply created these structures to make better informed decisions about its services, then the current usage of precinct committees, public meetings, surveys and focus groups is probably - if assessed as such - adequate.

However if Waverley's objectives are more complex and, for

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15 "Citizen Participation: a framework for evaluation@ from the University of Birmingham may be a useful resource for this exercise

16 **A**nnovation in Democratic Practice@ page 1

17 An internal memo dated 10/6/97

*..but if Council's values stretch beyond this, to fostering a greater sense of involvement by all sections of the community..*

instance, aim to create a greater sense of involvement, identity and belonging amongst all sections of the population, then the current system may be questioned and alternative, additional models of participation sought. One alternative presented by this paper would be a more deliberative model, such as a Citizen's Jury, applied to a key issue that affects all residents. A current example of such an issue would be the Bondi Rail proposal.

*..and devolving powers..*

It would be questioned, too, if council's values extend to a policy of devolving power. Then the issues around the amount of power and authority delegated to precinct committees, and demographic representation within them becomes far more significant. In this instance the current system, with its propensity for a demographically unrepresentative membership, and its exclusion of councillors from the decision-making process, would have to be questioned.

*..then a review may be necessary.*

*Such a review should be informed by the reality that Council is the ultimate decision maker..*

In reviewing what we mean by Waverley's value statement it's as well to remember that no amount of democratic mechanics can alter the fact that in the final analysis it is Council and councillors which make the critical decisions. Power, unless devolved, lies with the polity of Council. Or put another way, and as John Stewart has written<sup>16</sup>, 'The all-involved all-deciding citizen is not a realistic possibility'. The mechanics are generally about how citizens are involved in that decision making process, and how councillors make better informed decisions, and they are *not* about how the decisions can be taken away from Council.

*..and that nothing will change or improve without the role of councillors being treated as a paramount consideration*

It follows that should officers at Waverley consider extending its community involvement strategies, then considering the role of Councillors and having them own the changes is essential. Andrew Flockhart, Policy Director at Poole Council, recommended the following guidelines<sup>17</sup> to his senior management team:

1. Take a broad view of the various roles played by councillors and the demands placed on them
2. Recognise that a dialogue between councillors and officers about the issues is essential
3. Develop a range of measures which meets the needs and aspirations of councillors
4. Recognise that all improvements should be owned by councillors at each stage of the process

A final point may be worth considering, not directly linked to

*Finally, the NSW  
Government may find local  
innovations such as  
Waverley's a help..*

Waverley's situation, but of relevance to NSW local government as a whole.

UK local governments tend to servicing more people, with greater budgets. This is increasingly true as the unitary authorities evolve. The arguments for democratic structures closer to the ground become even more convincing in this environment. The key argument being that as local government evolves into larger units, the risk of them becoming out of touch with their communities becomes greater, particularly as the number of citizens per councillor increases. This is a live issue in both New Zealand and Victoria where similar rationalisations of local government have recently occurred.

*.. when planning for the  
future*

It may be only a matter of time before NSW experiences a similar rationalisation, with forced amalgamations being imposed. Councils, such as Waverley, which have experience of devolved democratic structures will be important to policy makers and those who have to implement these amalgamations. Indeed **“innovations in democracy”** may be one of *the* bargaining chips used by State Government politicians when trying to persuade the electorate that even fewer councillors per head of population does not mean less democracy.

James Evans  
09/03/98

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