

COUNCIL:

22 OCTOBER 2020

REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES

CITIZENS ASSEMBLY – ADVICE ON PROPOSED MOTION

Reason for Report

1. To provide Members with legal and financial implications advice in relation to an Ordinary Motion calling for the creation of a Citizens' Assembly.

Background

2. At the September Council meeting, an Ordinary Motion was submitted calling for the creation of a Citizens' Assembly.
3. Based on a review, which was carried out last year by officers in the Council's Cohesion and Community Engagement team, of other local Assemblies, it was estimated that the costs of a Citizen's assembly (including staff resource, fees for experts to present evidence, and reimbursement for low income participants) would be likely to be in the region of £100,000.
4. As there is no current budgetary provision for a Citizens Assembly, this Motion was deferred by the Chair under Council Meeting Procedure Rule 22(l) which provides that:

 '(l) If any Ordinary Motion appears to the Chair to be not presently contained within the approved Council Budget for the year in question, it will still be included on the agenda for the meeting. However a statement from the Chair to this effect and stating that the Ordinary Motion shall be deferred to the next ordinary meeting of Council so that written legal and financial advice may be given to Members before the motion is debated.'
5. This report provides Members with legal and financial implications advice in relation to the Motion calling for the creation of a Citizens' Assembly, to inform the Council debate on this issue.

Issues

6. The Motion submitted at last month's Council meeting, and deferred for debate at this Council meeting, is as follows:

 'Coming out of the Covid-19 Crisis: A Citizens Assembly motion

This council notes that: - The Covid-19 pandemic has shown how reliant we are on each other to get ahead, and what we can achieve when we work together. It has shown that we are all stronger when our public services are strongest. - It has also demonstrated the importance of recognising that there is no going back to the way things were. We are entering a critical moment; we have one chance to deliver meaningful change for the greatest number of people in our city and on our shared ambition for Cardiff. - However, we must do this with the residents of Cardiff, and not to them. All too often, in the rush to get things done since March, things aren't being done right, and residents as well as ward members are being informed rather than consulted about changes. - Whether we agree with the aims and objectives of proposed changes or not, it cannot be right that change is implemented in such a top-down manner, which risks stoking the potential for backlash from those who feel ignored and resentful, ultimately setting the city backwards on public engagement and progressive solutions to the city's pre-Covid 19 problems. - Citizens Assemblies are a body of citizens brought together to deliberate on issues of importance, they employ a cross section of the public to study options and propose answers through rational and reasonable discussion and through inquiry of experts, and they aim to reinstall trust in the political process by taking direct ownership of decision making. - Citizens Assemblies are representative and inclusive, allow for increased cognitive diversity, breach the border of direct democracy and allow for deliberation.

This council calls for: The creation of a Citizens Assembly to deliberate and provide real time feedback on the Cardiff Restart, Recover and Renew strategy in order that the proposed changes that will affect people in and around Cardiff are taken by a more representative and diverse cross section of the public, in the hope that we can reinstall trust in our political process through shared ownership of decision making, and take as many residents with us as possible as we move out of lock down, while still living under the constraints of a worldwide pandemic.'

7. In considering this issue, Members may wish to note that

The Cohesion and Community Engagement Team submitted a bid to the Welsh Government's Foundational Economy Fund last year. This bid scoped the costs of a 1 year Community Assembly programme at £100,000. This cost included staff resources, fees for experts to present evidence and reimbursement for low income participants. In doing so, we drew on information we reviewed from other local Assemblies, including Oxford's Climate Assembly, which took place over 2 weekends and cost £200,000.

In 2018, the UK Government funded 8 Citizens' Assembly pilots in England at a cost of £60,000 each. The lower costs being due to the fact that there was a centralised resource was provided by UK Government for participating Local Authorities to access, in order to support their local programme.

National level Citizen's Assemblies have been bigger in scope and typically more costly. The Northern Ireland Citizens' Assembly programme on the issues of 1) abortion 2) climate change 3) referenda cost 2.35 million euros over 2 years. Scotland's current Citizens' Assembly documents a cost of £1.4 million to deliberate on questions relating to the future of Scotland following EU-Exit.

Legal Implications

8. A Citizens' Assembly is understood to be a representative group of citizens who are selected at random from the population to learn about, deliberate upon, and make recommendations in relation to a particular issue or set of issues. They have no separate legal status or formal decision making powers.
9. If a Citizens' Assembly is to be established, careful consideration should be given to setting clear terms of reference, making clear the scope of the issues within its remit, a fair and transparent process for selecting members, its procedures for meetings and making recommendations and reporting them. Further advice will be provided, as required.

Financial Implications

10. Broadly, consideration needs to be given as to the likely cost required to set up and run the Citizens' Assembly; and the funding source identified for both set up and the ongoing running and support of the function.
11. In establishing a Citizens' Assembly, consideration should be given to both the setting up cost and the ongoing support costs required to operate on sustainable basis going forward.
12. In identifying set up costs, consideration should be given to the frequency of meetings and the engagement required from participants, as well as means to attract and select them. The running costs going forward need to ensure that staffing and equipment resources are available and any costs of engagement are covered. The examples given in the preceding sentences are not intended to be comprehensive, but are indicative of the type of consideration to be given.
13. Once costs estimates are developed, then the funding source for both set up and running costs needs to be identified. Consideration of grant funding opportunities or one off use of reserve could be areas to explore for the set up costs. For ongoing revenue requirements, then revenue budgets should be reviewed to see if any existing budget allocations can be repurposed, not least in relation to staff resources that are currently supporting other engagement activities.

RECOMMENDATIONS

The Council is recommended to note the advice and information in relation to the establishment of a Citizens Assembly, as set out in the report, to inform its debate on the Motion in respect of this issue.

DAVINA FIORE

Director Governance and Legal Services

16 October 2020