

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	14 December 2011
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	City Garden Project – Gauging Public Support
REPORT NUMBER:	EPI/11/342

1. PURPOSE OF REPORT

- To present Council with information relating to the practicalities and costs associated with holding either a public referendum or an independently-conducted, statistically significant opinion poll as possible alternative ways of judging the level of public support for the City Garden Project.
- To obtain a decision from Council as to whether they wish to undertake a referendum or an opinion poll to judge the level of public support for the City Garden Project.
- To present Council with suggested wording for the question(s) to be included in any referendum or opinion poll, following consultation with Aberdeen City Gardens Trust Ltd and the Friends of Union Terrace Gardens and to obtain Council agreement on the proposed wording.

2. RECOMMENDATION(S)

- (i) That Council agrees to:

EITHER:

- a) Hold a non-binding public referendum, in accordance with Section 5.3 (i) – (xxi) of the previous EP&I report (attached as Annex 1 to this report) and allocate a budget of up to £250,000

from the Council's contingency budget¹, to pay for this referendum.

OR

- b) Commission an opinion poll based on a quota sample of 2000 Aberdeen citizens, which is representative of Aberdeen's population above the age of 16, and allocate a budget of up to £60,000², from the Council's contingency budget, to pay for this.

OR

- c) Commission an opinion poll based on a quota sample of 1000 Aberdeen citizens, which is still statistically significant and representative of Aberdeen's population above the age of 16 but reduces the time needed to complete the poll, and allocate a budget of up to £47,600, from the Council's contingency budget to pay for this.
- (ii) That Council agrees to use the wording outlined in either Section 5.3 d), 5.3 e) or 5.3 f) of this paper, for any referendum or opinion poll question (as proposed by Aberdeen City Gardens Trust and Friends of Union Terrace Gardens), or agrees to adopt an alternative, fair compromise between these three positions - subject to wider testing of the agreed question, to confirm its overall suitability³.

3. FINANCIAL IMPLICATIONS

Should Council decide to hold a referendum, they will need to allocate a budget of £250,000 from the Council's contingency budget.

¹ The Council budgets annually for a level of contingency to meet one off or exceptional items of expenditure that arise within a financial year. This cost would fall within this category and could be met from this corporate provision.

² It is suggested that the cost of any opinion poll be restricted to a maximum cost of £60,000 to ensure that the Council's restricted tendering process can be used to appoint an appropriate contractor.

³ Testing will involve placing the document attached as Annex 2 to this paper on the Council's website, from 7th to 12th December. This comprises the proposed question and a short questionnaire prepared by the Council's Election Team. The questionnaire has been designed to determine whether the proposed question meets the electoral commission guidelines on referendum questions in terms of being simple, balanced, to the point and avoiding the use of words that suggest a judgment or opinion.

Should Council decide to commission an opinion poll, of the type recommended in this paper, they will need to allocate a budget of up to £60,000 from the Council's contingency budget and provide appropriate support from the Council's procurement and legal teams during the tendering process that would need to be used to appoint a suitable contractor.

Council Officers believe that some contribution may be forthcoming from an external party prior to the Council meeting on 14 December. However the details of this were unknown at the time this paper was submitted for distribution to Council members.

If this external funding fails to materialise, the Council will need to bear the full cost of either option.

4. OTHER IMPLICATIONS

There will be implications associated with the recommendations included in this paper in terms of the allocation of staff time to preparing and planning for the referendum, managing and implementing the referendum and the use of public buildings required for running the referendum.

Should Council decide to commission an opinion poll, council officer's time input will be required to undertake the procurement process and thereafter ensure that the appointed opinion poll company undertakes the assignment in line with the agreed brief.

5. BACKGROUND/MAIN ISSUES

5.1 Introduction

Following acceptance of a motion submitted by Councillor Kevin Stewart to EP&I Committee on 13 September, officers were asked to produce a report for the 14 November EP&I Committee to inform members of:

- the practicalities and costings associated with holding a postal ballot of all Aberdeen electors, to gauge public support for the City Gardens Project,
- the possibility of being able to source funding for the referendum from bodies other than the Council, and

- The possibility and practicality of young people, below the age of 18, being included in the referendum.

At EP&I Committee, on 14 November, a motion was subsequently approved to:

- Note the content of the report and thanked officers for the considerable work that has gone into its preparation.
- Refer the report to the consideration of Council on 14th December.
- Instruct officers to report to Council on 14th December, detailing the cost and feasibility of an independently-conducted, statistically significant opinion poll as an alternative way of judging the level of public support for the project. This report should include the feasibility of including young people of 16 or over in the sample.
- Instruct officers to produce a report for submission to Council on 14th December seeking approval for the wording of the question(s) to be included in any opinion poll or referendum, this report to be the subject of consultation with Aberdeen City Gardens Trust Ltd and the Friends of Union Terrace Gardens.

Accordingly, the paper submitted to EP&I Committee is attached as Annex 1 to this paper and the details concerning an independently-conducted, statistically significant opinion poll, including young people above the age of 16, are outlined in the following section (section 5.2)

Details concerning the proposed question to be included in any referendum or opinion poll are provided in Section 5.3.

5.2 Opinion Poll Option

Following the EP&I Committee decision, on 14 November, Council Officers approached one of the UK's leading opinion poll research organisations and asked them to put forward their ideas for a survey of Aberdeen City residents to establish opinion on the proposed development of Union Terrace Gardens.

It was made clear to this organisation that the information they provided would be used as a basis for this Council paper, on a non-attributable basis, and should the Council agree to commission an opinion poll it would require to tender any such assignment.

The organisation that was approached, and subsequently agreed to provide the relevant information works across all parts of Scotland conducting research for all sectors, and they were already well aware of the background to the City Garden Project and to the strength of opinion which has arisen from all sides as a result of the proposed development.

In particular, they were aware that:

- a previous consultation exercise ran from January to March 2010 and that this involved a number of different strands, including: promotion and information dissemination to raise awareness of the consultation and the ways in which people could take part; opportunities to feedback online, by post, free phone, SMS and email; focus groups with special interest groups; a quantitative survey involving in-street interviews with the general public; and qualitative research with school pupils and youth representatives.
- This consultation exercise found that public opinion was split⁴, with support levels varying depending on the feedback mechanism used and by different demographic characteristics such as age.
- Although there was a lack of consensus on the development plans, the consultation was nevertheless a helpful exercise in terms of finding out what is important to people in the city centre and what they do and do not want to see within the project.
- The project has moved on substantially since this consultation process and the City Garden Project can no longer be reasonably regarded as being the same City Square Project that was portrayed during the previous consultation process. Also, the Peacock visual Arts project, which was viewed as a realistic alternative to the then City Square Project, is no longer regarded as an alternative option.
- On 23 November 2011, following a fortnight-long public exhibition of the six designs submitted as part of an international design competition process, the City Garden Project competition jury decided to select two designs for further, more detailed, consideration – namely, the Granite Web and Winter Garden designs. Further clarification work is now being undertaken by the

⁴ The executive summary of the Consultation report states: “The public were nearly evenly split for and against the City Square project, with marginally more against the project than for it. Although opinion was split on the proposal there was a strong feeling that the current gardens were underused, inaccessible and need change.”

two design teams and a decision on the future development of the gardens will be made in the near future.

They are nevertheless confident that a well-designed and managed survey of public opinion, which takes full account of issues relating to sample size, data accuracy, data collection method, and approximate timescales, would provide clear evidence in establishing whether people in Aberdeen support or oppose the development.

The company in question recognises that, given the high-profile nature of the development, the survey has to be sufficiently robust to stand up to scrutiny from the City Council, interest groups and the media. However their work, and the work of other companies in the same business, is regularly conducted around high profile issues and the mechanisms these companies have in place are designed to give a high degree of confidence that the results are robust and reliable.

The ultimate accuracy of any opinion poll can be calculated based on the size of the sample and the size of the population as a whole.

However, the company concerned have only provided data accuracy and subsequent cost figures on representative sample sizes of 500, 1,000 and 2,000 interviews across Aberdeen City – due to the fact that once you get to sample sizes above this level the costs for any survey become very high and the increased levels of data accuracy become minimal (i.e. the law of diminishing returns).

Sample Size and Data Accuracy

The table below illustrates data accuracy based on the three different sample sizes in relation to the total population of Aberdeen City. It is based on 95% confidence intervals. This means that, for example, if you had a sample size of 1,000 with a 70%/30% split between those who said that they supported the new development and those who opposed it, the opinion poll company would be 95% certain that the true figure lies within 2.8% of that, so between 67.2% and 72.8%. In reality the true figure is less likely to lie at those extremes and more likely to lie somewhere closer to 70%. The margin of error reduces the closer the vote gets towards a 90/10 split (1.9% margin of error) and increases the closer it gets to a 50/50 split in opinion (3.1% margin of error).

Table 1: Data accuracy

Size of sample on which survey results is based	Approximate sampling tolerances applicable to percentages at or near these levels		
	10% or 90%	30% or 70%	50%
	+/-	+/-	+/-
500	2.6	4	4.4
1,000	1.9	2.8	3.1
2,000	1.3	2	2.2

Data collection

Having considered all possible methodological approaches to the survey, the company in question, believe that a face-to-face survey of residents, in their home is the most appropriate way of conducting this piece of work. This is because it is the most effective solution for allowing respondents to view the draft design proposals and because it is likely to achieve the highest rate of response and provide the most robust and reliable data - in terms of the representative nature of the sample and the accuracy and informed nature of the responses.

Online surveys are not yet sufficiently representative of the population to produce robust results as key groups, particularly older people and those in more deprived areas, are far less likely to have internet access.

Telephone surveys are more robust given that the majority of the population has a landline. However, telephone is also not fully representative given the proportion of mobile-only households, which are largely concentrated among younger age groups. Also, it would not be possible to visually test opinions of the designs if the survey were done by telephone, and the option of posting designs out to households and then following up with an interview later would be prohibitive in cost and time terms.

Similarly, postal surveys cannot guarantee that the survey profile would be fully representative of the Aberdeen population since there is no way of confirming that the questionnaire is being completed and returned by the person to whom it is sent. Also, since survey participants need to be provided with specific information concerning the various options this would involve additional print and postage costs and there would still be no way of confirming that respondents understood this before completing and returning the postal questionnaire.

There are two main sampling approaches that might be considered for a face-to-face survey, namely;

- Simple random or random clustered sampling – used in large national surveys such as the Scottish Household Survey or Scottish House Condition Survey.
- quota sampling – the approach used in most local authority resident surveys, or

In some respects, random and quota surveys appear similar. The main difference between them at the data collection point (i.e. when the interviewer is out in the field), is the way in which respondents are selected to be included in the survey.

In a random sample, it is normal for specific households to be selected in advance of allocating work packs to interviewers. Once in the field, the respondent within the household is chosen at random giving each member of the study population an equal chance of being selected. Interviewers can and must only attempt to complete an interview with the selected respondent.

Quota sampling uses a different approach to selecting households and respondents to mimic the way random samples achieve a representative basis. Known population information is used to set quotas on a range of socio-demographic variables; for example, age, sex, and working status. Interviewers are instructed to go to particular localities to obtain a specific number of interviews with residents who fulfil these quotas. These localities may be pre-determined at the sampling stage, and defined as lists of addresses (for example, Census Output Areas), and each of these 'clusters' of addresses can be selected using a random approach to ensure a spread across the city.

Based on sampling theory, a random sample should provide more reliable estimates than a quota sample. However, sampling theory is based on a perfect survey – one without any problems of sample coverage or non-response, etc. In practice, random samples are affected by these issues and this need to be considered when comparing sampling methods.

In addition, the research industry knows from decades of experience, such as repeated comparison of surveys of voting intention with actual election outcomes, that quota samples are capable of providing estimates that match actual population figures with a high degree of accuracy. Consequently, for many purposes, when compared with the results from random samples, quota sampling performs well in

providing estimates that are close to known population totals or to estimates derived from random samples.

Alongside reliability, there are practical issues to consider when comparing the relative merits of random and quota surveys. Because the former require interviewers to make repeated call backs to particular addresses, some of which may be several miles apart, the approach tends to require a longer fieldwork period than a quota survey (in which interviewers can visit any addresses within a pre-defined area to achieve their interviews). Using a random clustered approach can help to address this to some extent by reducing the distance between sampled address but this will not obviate the need for repeat call backs.

Therefore, random surveys are considerably more resource intensive and more expensive than quota surveys.

The initial process for drawing a **quota sample** would be similar to that for drawing a random clustered sample. That is, the opinion poll company would use random sampling to select the primary sampling units (Output Areas, or OAs) so that their distribution would be proportionate to the distribution of the population across the city.

However, instead of allocating interviewers a small number of addresses in an OA, at which they must call to attempt to achieve an interview, we would give them a full listing of addresses in the OA. At those addresses we would instruct them to achieve a target number of interviews with individuals who fulfil specified quotas (such as sex, age, work status, ethnicity and disability status) that have been set to reflect the demographic profile of that area. In the quota survey design, interviewers can call at as many addresses as necessary within the OA to achieve their interviews.

The process for conducting a **random sample** would be different. Given that Aberdeen has around 100,000 households the opinion poll company would effectively be sampling one in around every 50-200 households, depending on the sample size options outlined above.

While this approach would in theory deliver statistically reliable data, interviewers would have to spend a considerable amount of time travelling between address in an attempt to make contact with householders and achieve interviews.

Adopting a **random clustered approach** would help to reduce this problem by ensuring that sampled addresses are closer together. In

other words, instead of a simple random sample of households across the city being selected, a stratified random sample of OAs would be sampled with a probability of selection proportional to population, and households would be randomly sampled within each sampled OA. Because OAs are relatively smaller areas, interviewers would be working in more tightly defined areas and fieldwork costs would be lower than for a fully random sample.

The later section on costs provides approximate costs for all three of the above methodologies (i.e. quota sample, simple random sample and random clustered approach).

General Opinion Poll Reliability

Major UK opinion polling organisations have an established track record in delivering surveys which are renowned for their accuracy. Their political polling is perhaps the best example of research that they do which is both in the public domain and objectively verifiable.

Polls during the campaign for the 2011 Scottish Parliamentary elections were recognised by 'Scotland Votes' as being extremely accurate.⁵ Polls conducted in UK General Elections have been similarly recognised for their accuracy. Exit polls in 2005 and 2010 were also very accurate predictors of the final result.

Other examples exist to confirm the accuracy of opinion polls such as the poll conducted by one of the UK's main accountancy bodies to determine members' attitudes to a proposed integration with another accountancy body. Telephone interviews involving a total of 1,184 members were conducted with both UK-based and overseas members. When the actual vote on the integration was held, the survey was within 2% of the final result.

Timescales

The estimated timescales for completing fieldwork for each of the three methodologies previously discussed are outlined in the table below.

⁵ <http://www.scotlandvotes.com/blog/opinion-polls-vs-result>

Table 2: Approximate fieldwork timescales

Sampling approach	Sample size	Timescale (weeks)
Quota	500	3
	1,000	6
	2,000	12
Simple random	500	7
	1,000	14
	2,000	27
Random clustered	500	6
	1,000	10
	2,000	19

Note: The time required to tender this assignment, in line with normal tendering procedures, must be added on to the above time scales. This will likely add at least 12 weeks to each of the above time scales.

Survey costs

The table below outlines an approximate cost for each of the three sample sizes and data collection options. These estimated costs are exclusive of VAT, but include all project management, meetings, travel, design of questionnaire and all other materials, sample definition, all fieldwork, data processing and analysis and, finally, reporting and dissemination.

Table 3: Approximate survey costs

	Sample size	Cost
Quota sample	500	£36,200
	1,000	£47,600
	2,000	£60,200
Simple random	500	£55,100
	1,000	£90,800
	2,000	£157,600
Random clustered	500	£44,000
	1,000	£68,600
	2,000	£114,500

Additional approaches to establishing public opinion

In addition to the data collected in any quantitative survey of Aberdeen City residents, designed to gauge their support (or otherwise) for the City Garden Project, a face to face interview process would also provide scope to collect more in-depth information and explore other

issues, maximising the input residents have to the study, as well as boosting the impact of the research.

For example, a question could be asked towards the end of the quantitative survey, asking if the respondent would be willing to be re-contacted and asked to attend a focus group. Thereafter, analysis of the re-contact data would give an indication of where it would be possible to recruit a sufficient number of residents to groups, as well as providing the option of selecting residents holding particular views on the issues to be explored in more detail.

Recommended Opinion Poll Approach

Based on the above information the most appropriate opinion poll mechanism to use would seem to be a quota sample, based on either a 1000 or 2000 people sample size. If Council were to decide on the lower sample size, this would cost approximately £46,700 and take approximately 18 weeks to complete (including the tender process) If Council were to decide on the higher of these two sample sizes, this would cost approximately £60,200 and take approximately 24 weeks (including the tender process) to complete.

5.3 Proposed Question(s)

Although the Council's Election Team recommend that best practice would normally require a referendum to be based on a simple Yes/No question, this is not easy to achieve when most involved parties have expressed a desire to test two possible options, namely a) support for the City Garden project and, b) Retention of the current UTG.

The question proposed in the EP&I Committee paper therefore tried to reconcile this need for a simple Yes no question with the need to determine support for one or other option.

Whilst noting this, EP&I Committee nevertheless felt that it was important that any question be acceptable to all parties. Hence they instructed Officers to consult with both Aberdeen City Garden trust (ACGT) and the Friends of Union Terrace Gardens (FOUTG) to see whether it might be possible to advise Council on whether there was any agreement on the proposed question from these two parties.

Consequently, on 16 November, immediately following the last EP&I Committee, officers contacted both ACGT and the FOUTG to determine their suggested wording of any referendum or opinion poll

question. An email was sent to both organisations to inform them of EP&I Committee's decision and of the suggested wording included in EP&I Committee paper, which was as follows:.

a) Suggested Referendum/Opinion Poll question (per EP&I Paper)

The recent City Garden International Design Competition has provided Aberdeen City Garden Trust Ltd with a preferred design for redeveloping an area of land bounded by Rosemount Viaduct, Union Terrace, Union Street and the rear of Belmont Street, which includes Union Terrace Gardens. Details of the site and the preferred design are included in the voter information pack issued with your ballot paper.

Please indicate whether or not you support redevelopment of Union Terrace Gardens, in accordance with the Aberdeen City Garden Trust Ltd's preferred design proposal, by ticking one of the following boxes:

YES, I support the proposed City Garden Project

NO, I want to retain the existing Union Terrace Gardens

Both organisations were asked to either provide their suggested wording or indicate that the suggested wording was acceptable by 25th November.

After sending a reminder to both organisations, a response was received from ACGT on 3 December, in which they suggested making some minor amendments to the above proposed question so that it reads as follows:

b) Suggested amendments to the proposed Referendum/Opinion Poll question received from ACGT on 3 December.

The City Garden Project winning design proposes the redevelopment of the area of land bounded by Rosemount Viaduct, Union Terrace, Union Street and the rear of Belmont Street, which includes Union Terrace Gardens and the covering of the dual carriageway and railway line. Details of the site and the preferred

design are included in the voter information pack issued with your ballot paper.

Please indicate whether or not you support redevelopment of Union Terrace Gardens and the Denburn Valley in accordance with the winning design from the international design competition, by ticking one of the following boxes:

YES, I support the proposed City Garden Project

NO, I want to retain the existing Union Terrace Gardens

A response was also received from the Friends of Union Terrace Gardens on 2 December suggesting the following question:

c) Suggested Referendum/Opinion Poll question proposed by the FOUTG on 2 December.

You are being to ask to choose between either retaining Union Terrace Gardens or replacing them with the proposed City Garden Project design.

Which option do you support?

- A) Retaining Union Terrace Gardens
- B) Building the City Garden Project

Whilst this presents what appears to be a straightforward question, it fails to refer to any supporting information that would inform voters as to what is meant by “Building the City Garden Project”

Given that most Aberdeen voters would know what retaining Union Terrace Gardens involves, the fact that they are being asked to compare this against something for which no information is apparently being provided clearly builds in an element of bias to the question. Also, there is no instruction to tell voters how they should indicate their preferred option.

Consequently, having reviewed the initial proposed question included within the EP&I paper in Annex 1 and the suggested questions

proposed by ACGT and FOUTG, Council Officers suggested to both parties, on 3 December) that a suitable compromise would be as follows:

- d) Suggested Referendum/Opinion Poll question taking account of both ACGT and FOUTG proposals.

You are being asked to choose between either retaining Union Terrace Gardens or replacing them with the proposed City Garden Project design

(Please read the voter information pack to make sure you understand what is meant by “retaining Union Terrace Gardens” and “the proposed City Garden Project”).

Which option do you support?

(Please place a cross in the appropriate box)

A) Retaining Union Terrace Gardens

B) Building the City Garden Project

FOUTG confirmed their acceptance of the proposed compromise question on 5 December. However ACGT came back with a proposed amendment to this question, later that same afternoon, as follows:

- e) Suggested ACGT amendments to the previous “compromise” Referendum/Opinion Poll question (see 5.3 d).

You are being asked to choose between either retaining Union Terrace Gardens or replacing them with the proposed City Garden Project design which includes Union Terrace Gardens and involves covering the adjacent dual carriageway and railway line

(Please read the voter information pack⁶ to make sure you understand what is meant by “retaining Union Terrace Gardens” and “the proposed City Garden Project”).

Which option do you support?

(Please place a cross in the appropriate box)

A) The proposed City Garden Project

B) Retaining Union Terrace Gardens

ACGT asked for these amendments to be made because believed the previous suggested compromise question gave the impression that the City Garden Project is restricted to Union Terrace gardens, when in fact UTG is only part of the area covered by the City Garden Project. They also point out that the City Garden is still only a proposal, hence the inclusion of the word “proposed”

They also believed that, since retention of the gardens is placed at the beginning of the introductory paragraph, it is only fair that the option for supporting the proposed City Garden project should be the first option on the ballot paper.

Finally, they believed that use of the word “building” was inappropriate and that the City Garden Project should be referred to as “the proposed City Garden Project”, to reflect the fact that it is still only a proposal.

However, FOUTG subsequently confirmed that they regard the proposed ACGT modifications as being “illogical and unacceptable”, for the following reasons:

- It's unclear and ambiguous to the extent that it doesn't make sense. The wording could be read in a way that suggests the CGP retains the gardens and only builds over the road and railway. Indeed this is how FOUTG first understood it. This is not what is being proposed. It is not plain English as recommended by the electoral commission.

⁶ The voter information pack would include the statement attached as Annex 3 to this Registered campaign groups will also be given the opportunity to include a statement in the voter pack (subject to a maximum number of words) describing their proposals.

- If the ACGT want to explain the context they have the information pack to do so
- It unbalances FOUTG's version which gave equal weight to both options. The ACGT version now gives FOUTG 4 words and ACGT 23 words.
- As FOUTG represent the status quo, they believe they should come first in the actual question.

Having taken account of FOUTG's comments, it would seem that an appropriate compromise may therefore involve reverting to the introductory paragraph used in 5.3 d), whilst reversing the order of the question (since the referendum is actually being held to gauge support for the City Garden Project, not the status quo). This would result in the following Question.

- f) Suggested final compromise between ACGT and FOUTG positions with regard to the proposed Referendum/Opinion Poll question.

You are being asked to choose between either retaining Union Terrace Gardens or replacing them with the proposed City Garden Project design

(Please read the voter information pack to make sure you understand what is meant by "retaining Union Terrace Gardens" and "the proposed City Garden Project").

Which option do you support?

(Please place a cross in the appropriate box)

B) The proposed City Garden Project

A) Retaining Union Terrace Gardens

Since it was not possible to obtain complete agreement prior to the submission of this Council paper, Council are therefore asked to take a view as to whether they would prefer to endorse the question in 5.3 d), 5.3 e) or 5.3 f) or, indeed, whether they wish to propose a further compromise between these three positions.

5.4 Referendum or Opinion Poll?

A referendum is regarded as a democratic and transparent test of opinion and gives all residents an opportunity to have a say on the issue. Whereas, an opinion poll would always be open to accusations that the selected sample could somehow be biased, in favour of one or other point of view, by whoever commissions the survey.

However, referenda on such local issues are rare in Scotland and turnout could well be low.

The referendum held in Edinburgh in 2005 around the proposed introduction of a congestion charge did attract a turnout of 61% but this was an issue which would have a direct financial impact on a large proportion of the population and was an issue which, at the time, was high profile across different parts of the UK.

Although the City Garden Project has been the subject of extensive debate, the previous consultation exercise (which included an internet survey and was not restricted to Aberdeen citizens) generated a sample size of only 14,543 people across all strands of the consultation (opinion poll, focus groups, public and internet survey). This is less than 15% of the City's electoral register. Likewise, the number of people that visited the public exhibition was also less than 10% of the Aberdeen electoral register and was also not restricted to Aberdeen citizens.

Also, a look at local referenda in England, around the issue of introducing directly elected mayors, shows that turnout can be as low as 10%.⁷

Therefore, it is by no means certain that a referendum on the City Garden project would generate a significantly high turnout.

In addition, those who vote in a referendum are more likely to be those with strong and entrenched opinions on this issue, meaning that the lower the turnout, the more likely it is that the result may not reflect the views of the population at large.

⁷ http://en.wikipedia.org/wiki/Referendums_in_the_United_Kingdom

Furthermore, the costs of designing, arranging and managing a referendum are likely to be significantly higher than the costs of all but a large sample-size, random survey and this cost will remain the same irrespective of the turnout. In other words, there is no relationship between cost and survey robustness for a referendum, unlike an opinion poll.

In summary, therefore, a referendum is a more democratic and transparent approach, but a high quality opinion poll survey would cost less and would provide more certainty that any participants were a statistically representative sample of the local population, since only those with strong opinions on the development (either way) may participate in a referendum.

The Council's internal research team agrees that a survey may well be a more effective way of gauging public opinion on this issue than a referendum, due to the fact that;

- A referendum would be restricted to a maximum of 2 or 3 simple questions - whereas a representative face-to-face household survey would generate much richer data.
- The achieved sample sizes and confidence intervals on a 1000 or 2000 sample are perfectly acceptable.
- The cost of conducting a survey will be lower than the cost of a referendum.
- Quota sampling seems to be easier, cheaper and, conducted properly, seems to produce equally valid responses. Quota sampling is used to conduct the Edinburgh citizens' panel surveys and this appears to be statistically robust, even though an element of genuine randomness is missing.

Nevertheless, they point out that any tender for an opinion poll provider would need to;

- Explain how their survey staff will get access to flats with secure entry systems, thereby ensuring that occupants of such property are not excluded from the survey. Census enumerators had this problem earlier this year. They will also need to explain how people who are absent during the day, do not have a lesser chance of participating in the survey than people who are normally at home at that time.

- Indicate the average length of the interviews. Interviews for the Scottish Household Survey last about 45 minutes. But we would expect the City Garden Project interviews to be much shorter. How much shorter will depend on the number of questions that are asked.

However, whilst an opinion poll may be regarded as a more statistically robust way of gauging public support (or otherwise) for the City Garden Project, it is still recognised that this is a less democratic and less transparent option.

Careful consideration also needs to be given to the time scales required to undertake an opinion poll based on a reasonable sample size.

In this respect, a public referendum would have an advantage over a smaller quota sample opinion poll (involving 1000 people), since it would be possible to hold a referendum before the middle of March 2012 at the latest⁸. Despite the fact that undertaking a referendum would also involve some procurement and would mean that a limited time is available for public awareness, encouraging registration and testing the question, the referendum process would not be as extensive as the process needed to procure a contractor to deliver an opinion poll and to agree the methodology etc that would be needed to ensure the representative nature and robustness of any opinion poll.

Tendering for a suitable contractor to undertake the small sample opinion poll, however, would likely mean that the poll could not be started before the start of March 2012. However it would likely not be acceptable to undertake any survey during the local election campaigning period. Therefore the survey would need to commence in the second week of May, meaning the result would not be known before the end of June. The large quota sample opinion poll would take even longer and would most likely not be capable of being completed before the middle of August 2012.

Therefore, although more expensive, a referendum is an established democratic and transparent process that can be undertaken in a much shorter time period.

⁸ It is anticipated that the moratorium in relation to activities that may influence the outcome of local council elections will commence on 13th March. Therefore it would be the intention to hold the referendum before this date.

Whereas an opinion poll, although less expensive and potentially more statistically representative, is a non-democratic and less transparent process and any final result would likely not be forthcoming before 13 March 2012. Indeed, since it will most likely not be possible to undertake the survey during the local election campaign period, the final result is not likely to be available until the end of June 2012 at the earliest for a 1000 quota sample survey (a 2000 quota sample would extend this to Mid August).

6. IMPACT

Corporate

The City Garden project is seen by ACGT as a critical project with regard to the future attractiveness, vitality and connectivity of the City Centre and links to both the **Single Outcome Agreement** and **Community Plan 2008**, which outlines a vision for Aberdeen City which is wealthier, greener and safer.

The project also contributes to the City's **Vibrant, Dynamic & Forward Looking: policy document**, since a fully functioning and well utilised City Gardens represents a vital piece of social, cultural and leisure infrastructure that can contribute to the delivery of the Aberdeen City and Shire Economic Future's '**Building on Energy - An Economic Manifesto for Aberdeen City and Shire**'. This in turn supports the strategic vision of Aberdeen City and Shire, which is to be recognised as one of the most robust and resilient economies in Europe with a reputation for opportunity, enterprise and inventiveness that will attract and retain world-class talent of all ages.

Public

It is anticipated that the project will have a positive impact in terms of the Equalities and Human Rights Impact Assessment, as a direct result of linkages to the Economic Development theme of **Vibrant Dynamic and Forward Looking** and its expected impact on the future sustainable development of the Aberdeen City and Shire economy. The project is also expected to make a major contribution to Aberdeen's business and social infrastructure that supports local businesses and provides a venue for major social, leisure and cultural events for all Aberdeen citizens. An EHRI assessment will be carried out to confirm this view, once the preferred design is known and the various uses of the space within the development scheme have been confirmed

7. BACKGROUND PAPERS

See Annex 1

8. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Planning and Infrastructure
DATE	14 November 2011
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	City Garden Project – Possible Referendum
REPORT NUMBER:	EPI/11/335

1. PURPOSE OF REPORT

This report was requested by EP&I Committee following acceptance of a motion submitted by Councillor Kevin Stewart at the last Committee meeting on 13 September. In supporting this motion, Committee asked officers to produce a report to inform Committee of:

- the practicalities and costings associated with holding a postal ballot of all Aberdeen electors, to gauge public support for the City Gardens Project,
- the possibility of being able to source funding for the referendum from bodies other than the Council, and
- The possibility and practicality of young people, below the age of 18, being included in the referendum.

2. RECOMMENDATION(S)

That Committee:

- (iii) Notes the contents of the report
- (iv) Agrees to:
 - a) hold a public referendum, in accordance with Section 5.3 (i) – (xxi) of this report, to gauge public support for the City Garden Project, and
 - b) Instruct officers to produce a further report for submission to Finance and Resources Committee requesting that a budget

of up to £250,000 be allocated, from the Council's contingency budget¹, to pay for the referendum.

- c) Instruct officers to produce a report form submission to Council on 14 December, seeking approval for the wording of any referendum question, should Finance and resources agree to allocate the necessary funding.

3. FINANCIAL IMPLICATIONS

Approval of the recommendations in this paper will result in a request being made to Finance and Resources Committee asking for the allocation of a £250,000 budget from the Council's contingency budget. Should Finance and Resources Committee agree to make such an allocation, the financial impact on the Council will be limited to £250,000 (unless it is decided to make provision for electronic voting, which will increase the financial impact).

4. OTHER IMPLICATIONS

There will be implications associated with the recommendations included in this paper in terms of the allocation of staff time to preparing and planning for the referendum, managing and implementing the referendum and the use of public buildings required for running the referendum.

5. BACKGROUND/MAIN ISSUES

5.5 Introduction

The last meeting of our Enterprise, Planning and Infrastructure Committee approved the following motion:

“That this Council agrees, in principle, that a referendum on the future of Union Terrace Gardens be held after the City Garden design competition is completed, calls on officers to produce a report about the practicalities and costings of holding a postal ballot of all Aberdeen electors and asks officers to investigate sourcing funding for the referendum from bodies other than the Council.”

¹ The Council budgets annually for a level of contingency to meet one off or exceptional items of expenditure that arise within a financial year. This cost would fall within this category and could be met from this corporate provision.

Committee asked for the report to also explore the possibility and practicality of young people, below the age of 18, being included in the referendum, and for the report to be submitted to the next meeting of the Enterprise, Planning and Infrastructure Committee on 15 November, 2011.

5.6 Referendum Practicalities

In terms of the practicalities of holding the referendum, the Council's Legal team have identified no legal impediments to holding a local referendum. There appears to be no governing legislation on this matter in Scotland (unlike in England). Nonetheless, the use of the full electoral register for local referendums is permitted by the Representation of the People (Scotland) Regulations 2001. This would suggest that there is no legal impediment to holding a local referendum per se. However, in the absence of statutory guidance, it is advisable for best practice in respect of local elections/ other comparable democratic processes to be followed for any local referendum.

In relation to the question to be asked, our legal team advise that the question needs to be framed in a yes/no fashion. Further, in their view the ballot paper should not include the preferred design as this may be seen as attempting to influence the outcome (regardless of the fact that voters are being asked whether or not they wish to support the City Garden Project on the basis of a preferred design). Rather, it is suggested that a copy of the design be included in a separate sheet.

Our Legal team have also highlighted that it must be made very clear that the referendum process is separate from any subsequent planning process and cannot be seen to influence this process. This will help protect the legitimacy of the referendum and reduce the risk of challenge or criticism - whether legal or in terms of public opinion/press comment, thereby ensuring that the exercise is valid and worthwhile.

Officers are aware that concerns have already been raised regarding the relationship between any referendum and the planning process. As mentioned above, it is critical that the Council distinguishes its role as Planning Authority from any decision to proceed with a referendum. It must be made absolutely explicit to voters as to the purpose of the referendum (i.e. to gauge public opinion) and that it sits entirely separate from the planning function, and would not prejudice nor influence any planning decision which would require to be taken in accordance with planning matters.

It also needs to be clear to the public that the referendum is one part in a very long process, and any result shall remain subject to the usual

planning procedures. There should be an indication that if the result of the referendum is in favour of the design, this will be taken forward to the planning stage.

Keeping the procedures separate from the planning process is vital, since the risk of challenge to our planning process may be high. This will involve being very clear of the purpose of the referendum in any instruction to the public and underlining the precise purpose and function of the referendum and what uses the Council will make of the results.

The Head of Service, Office of Chief Executive on behalf of the Council's Elections Team has advised as follows:

- In the absence of statutory rules to follow, the ballot should be conducted in line with the principles of best practice and should follow statutory procedures where practicable.
- Whether the result of the referendum is to be advisory or binding is something that should be determined in advance, made explicit and communicated to voters. . Indeed, it is something which the Committee may wish to give initial consideration to.
- The question posed is of vital importance to the conduct of the referendum and would therefore need to fit the objective of the referendum, be easy to understand and be unambiguous. It is good practice to carry out testing and it is suggested that the Plain English Campaign be consulted.
- It is recommended that the ballot paper be accompanied by a simple declaration of identity. The declaration of identity would involve the voter signing to confirm that they are the voter to whom the paper has been sent. Checking of personal identifiers would be carried out at the discretion of the Returning Officer.
- The declaration of identity should be separate from the ballot paper in order to keep the vote anonymous.
- Information to voters included in the postal packs should include the following:
 - Why the referendum is being held
 - What is being asked
 - How the result will be used
 - Details of each option being proposed

- A clear statement that the referendum is part of a long complex process and cannot and will not influence any subsequent planning process which may be necessary
- Voting information within the postal packs should be presented in a neutral style without favouring a particular voting response. However, thought should be given to including information from each side of the debate.
- It is recommended that consideration be given to supplementing the all postal vote with the option of voting via the internet. Preliminary discussions with one potential supplier indicate that in order to do this securely voters would be issued with pass codes for internet voting at the same time as their postal vote documents. (This model of paper or internet response is currently employed by the Electoral Registration Officer conducting the annual canvass.) Offering internet voting as an option would increase convenience for voters and could boost turnout.
- The full electoral register can be made available, under Regulation 106 of the 2001 amended Representation of the People Regulations, which grants councils the right to request a free copy of the full register for conducting a local referendum that is to be supervised by the Returning Officer.
- In terms of the franchise, it would be most appropriate for this to be local government electors only i.e. those electors who are legally entitled to vote in local government elections should be entitled to vote on this local issue. The current register includes 158,505 voters.
- With regard to consideration being given to extending the franchise to those below the age of 18, it can be confirmed that the electoral register only includes details for those people who will become 18 within the lifetime of the register. This means that, within the normal constraints of the accuracy of the register, it will include details of all 17 year olds but only a proportion of 16 year olds.
- A means might be identified through working with schools to “register” individuals below the age of 18 for the referendum, but it is suggested that any deviation from the local government register as it stands runs the risk of compromising the poll.
- With regard to campaigning prior to the referendum date, the established practice of the Electoral Commission is to register

campaigning organisations and set spending limits. The objective of this is to provide each side of the debate with a level playing field on which to persuade voters. This may well be difficult to set up and administer for this referendum, but would nevertheless still need to be considered.

- The logistics and costings associated with an electronic count of the votes should be obtained to determine if this would offer advantages over counting manually.

The cost of holding a referendum, using the current electoral register, is estimated at £250,000, in accordance with the following table.

Item	Breakdown	Qty	Unit Cost (£)	Total (£)
Accommodation	Beach Ballroom/Council Premises (postal opening and the count)	12	850	10,200
Postal Pack Production (158,755 packs)	Estimate prior to ITQ process			98,500
Count Staff	Count Staff			18,350
Postal Opening	Estimate			32,000
Royal Mail	Estimate			83,450
Equipment and Stationery	Basic stationery budget			2,500
Advertising (including Notices)	Basic advertising budget			5,000
Total Est. Cost				250,000

Note: The above estimate does not include the costs of providing an internet voting option.

- It is unlikely that we would obtain necessary consent to hold a second poll, for whatever purpose, on the date of the local elections and, even if this were permitted, combining the referendum with the local government elections in May 2012 would create unnecessary complications relating to the holding of the local elections. It is therefore recommended that any referendum

be held on a date different by some months from that of the May 2012 elections.

Our Planning and Sustainable Development team has pointed out that, since the City Garden Project must comply with the normal planning process, careful consideration should be given to the potential impact of any referendum, or associated debate, on this process. In particular, members will need to avoid making comments on any preferred design, which may potentially be viewed as prejudicial to the planning process.

With regard to the funding of a referendum, some initial efforts have been made, separately from the election team, to determine possible sources of non-Council funding for the referendum.

Both Scottish Enterprise and Aberdeen City Gardens Trust Ltd. (whose members include the Wood Family Trust) have been asked whether they would consider making a contribution towards the cost of a referendum.

In response to our request, Scottish Enterprise has already confirmed that they would be unable to make any contribution.

Aberdeen City Garden Trust has, informally, indicated that they are unlikely to make any contribution towards the cost of a referendum. However, we have been informed that they will discuss this at their next Board meeting and provide formal confirmation as to their position immediately thereafter (it is expected that officers will be able to confirm the Board's position at the Committee meeting).

No other, additional sources of funding have yet been identified.

Finally, with regard to the relationship between any referendum and any proposed Tax Increment Financing scheme, it should be noted that the Council's Chief Executive received a letter from Alex Neil MSP, the Scottish Government's Cabinet Secretary for Infrastructure and Capital Investment, on 1st November relating to a preliminary TIF proposal recently submitted to the Scottish Futures Trust.

This letter thanks Aberdeen City Council for submitting an outline proposal to the Scottish Futures Trust (SFT) for one of the remaining TIF pilot projects and goes on to state the following;

"As you will note, we should like to invite you to develop further your plans to use TIF for the Union Terrace Gardens project if public support for the project can be demonstrated.

I look forward to considering your fully developed case in due course.”

It is therefore clear that the Scottish Government are only willing to consider supporting a TIF for the proposed City Centre Regeneration Project (which is more than just the Union Terrace Gardens project, referred to in Mr Neil’s letter), “if public support for the project can be demonstrated”.

However, no mention is made of how public support should be demonstrated or what level of public support is required. Therefore, it appears to be up to Council to determine the best means to “demonstrate” public support.

Nevertheless, should the Committee decide that a referendum is the best way to do this, rather than some other means of gauging public opinion (such as a statistically representative opinion poll, for example), it seems likely that the Council will need to meet the whole cost of this process.

Since EP&I has not budgeted for this expenditure and is unable to identify any possible source of funding from within EP&I’s current, extremely tight, budget, the cost of any referendum would therefore need to be found from other Council sources.

5.7 Referendum Proposals

Further to the advice received from our Legal Team, our Elections Team, our Planning officers and likely funders, as set out above, it is recommended that:

- (i) The purpose of any referendum should be to gauge public support for the City Garden Project, on the basis of a preferred design proposal arrived at by means of the international design competition organised by Aberdeen City Gardens Trust Ltd.
- (ii) Since the referendum has been proposed as a mechanism for advising Councilors, it should be non-binding. However, it must be recognised that this runs the risk of compromising the credibility of the referendum exercise.
- (iii) It should be made clear that the outcome of the referendum will not prejudice any consideration of a planning application and that voting yes does not mean that the design will get planning permission.

- (iv) The ballot paper would be printed on a single sheet of paper, with the question on the front page.
- (v) Since the question will refer to “a preferred design” details of this will need to be provided but this should be on a separate piece of paper.
- (vi) The ballot paper be accompanied by a simple declaration of identity. The declaration of identity would involve the voter signing to confirm that they are the voter to whom the paper has been sent. Checking of personal identifiers would be carried out at the discretion of the Returning Officer.
- (vii) The declaration of identity should be separate from the ballot paper in order to keep the vote anonymous.
- (viii) Information to voters included in the postal packs should include the following:
 - Why the referendum is being held
 - What is being asked
 - How the result will be used
 - Details of each option being proposed
 - A clear statement that the referendum is part of a long complex process and cannot and will not influence any subsequent planning process which may be necessary
- (ix) Voting information within the postal packs should be presented in a neutral style without favouring a particular voting response. However, thought should be given to including information from each side of the debate.
- (x) Consideration be given to supplementing the all postal vote with the option of voting via the internet. Preliminary discussions with one potential supplier indicate that in order to do this securely voters would be issued with pass codes for internet voting at the same time as their postal vote documents. (This model of paper or internet response is currently employed by the Electoral Registration Officer conducting the annual canvass.) Offering internet voting as an option would increase convenience for voters and could boost turnout.
- (xi) The full electoral register can be made available, under Regulation 106 of the 2001 amended Representation of the People Regulations, which grants councils the right to request a

free copy of the full register for conducting a local referendum that is to be supervised by the Returning Officer.

- (xii) In terms of the franchise, this should only include local government electors i.e. those electors who are legally entitled to vote in local government elections should be entitled to vote on this local issue.
- (xiii) With regard to consideration being given to extending the franchise to those below the age of 18, it can be confirmed that the electoral register only includes details for those people who will become 18 within the lifetime of the register. This means that, within the normal constraints of the accuracy of the register, it will include details of all 17 year olds but only a proportion of 16 year olds.
- (xiv) A means might be identified through working with schools to “register” individuals below the age of 18 for the referendum, but it is suggested that any deviation from the local government register as it stands runs the risk of compromising the poll. Any deviation from the electoral register is therefore not recommended
- (xv) With regard to campaigning prior to the referendum date, the established practice of the Electoral Commission is to register campaigning organisations and set spending limits. The objective of this is to provide each side of the debate with a level playing field on which to persuade voters. This may well be difficult to set up and administer for this referendum, but would nevertheless still need to be considered.
- (xvi) The proposed wording for any ballot paper be placed on the Council’s website for a period of at least two weeks, so the public have a chance to comment on this, or propose alternatives. The Council would take account of these comments before determining the final question and the agreed final wording would then need to be subject to a “plain English check” prior to any referendum.
- (xvii) A suggested form of wording could be as follows:

The recent City Garden International Design Competition has provided Aberdeen City Garden Trust Ltd with a preferred design for redeveloping an area of land bounded by Rosemount Viaduct, Union Terrace, Union Street and the rear of Belmont Street, which includes Union Terrace Gardens. Details of the site and the

preferred design are included in the voter information pack issued with your ballot paper.

Please indicate whether or not you support redevelopment of Union Terrace Gardens, in accordance with the Aberdeen City Garden Trust Ltd's preferred design proposal, by ticking one of the following boxes:

YES, I support the proposed City Garden Project

NO, I want to retain the existing Union Terrace Gardens

- (xviii) Should members agree to proceed with a referendum, a further report will be presented to the Council Meeting on 14 December, summarizing the public's comments and suggestions and recommending the final wording to be used for the referendum question.
- (xix) To avoid any potential impact upon the planning process, a protocol governing member's involvement in the referendum campaign should be agreed with the Council's Planning and Sustainable Development and Legal and Democratic Services to avoid any suggestion that the result of the referendum, or comments made during the campaign, have any undue influence on the normal planning process.
- (xx) Members take into account the fact that Council has already agreed that a report should be submitted to full Council on 14th December, to decide whether the Council wishes to support the City Garden Project beyond the international design competition stage. Should Council agree to this, it is to be expected that such support will be subject to many conditions. Therefore, in the event that:
- a. EP&I Committee agree to hold a referendum
 - b. Finance and Resources Committee agree to allocate the necessary funding
 - c. Council agree to conditionally support the City Garden Project beyond the international design competition

it is recommended that one of the conditions attached to future Council support for the City Garden Project should be the need to obtain public support for the project by means of a referendum.

- (xxi) The referendum be held towards the end of February 2012 since:
 - a. The date needs to be after the Council Meeting on 14 December, so Council can approve the wording of any question, and
 - b. Holding the referendum beyond 1 March 2012 would unduly delay the City Garden Project, and would not leave enough time between the referendum and the local elections in May, thereby creating potential, additional complexities associated with running a referendum so close to the local elections. .

6. IMPACT

Corporate

The City Garden project is seen by ACGT as a critical project with regard to the future attractiveness, vitality and connectivity of the City Centre and links to both the **Single Outcome Agreement** and **Community Plan 2008**, which outlines a vision for Aberdeen City which is wealthier, greener and safer.

The project also contributes to the City's **Vibrant, Dynamic & Forward Looking: policy document**, since a fully functioning and well utilised City Gardens represents a vital piece of social, cultural and leisure infrastructure that can contribute to the delivery of the Aberdeen City and Shire Economic Future's '**Building on Energy - An Economic Manifesto for Aberdeen City and Shire**'. This in turn supports the strategic vision of Aberdeen City and Shire, which is to be recognised as one of the most robust and resilient economies in Europe with a reputation for opportunity, enterprise and inventiveness that will attract and retain world-class talent of all ages.

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preferred design is known and the various uses of the space within the development scheme have been confirmed

7. BACKGROUND PAPERS

None

8. REPORT AUTHOR DETAILS

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ANNEX 2

Proposed referendum/opinion poll question and supporting questionnaire, which will be used to determine that the question meets the electoral commission guidelines on referendum questions in terms of being simple, balanced, to the point and avoiding the use of words that suggest a judgement or opinion.

**TO BE CIRCULATED TO COUNCIL MEMBERS DURING THE COUNCIL
MEETING ON 14 DECEMBER**

ANNEX 3

Statement, produced by the Council as the sponsoring authority, and included in the voter pack.

**TO BE CIRCULATED TO COUNCIL MEMBERS DURING THE COUNCIL
MEETING ON 14 DECEMBER**