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Title:	Preliminary Assessment Report – Public and Stakeholder Views (Indicators of Credibility, Criterion 6)
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## **1 Introduction**

This report has been prepared by the Technical Review Group (TRG) to inform the Partnership's assessment of progress towards being able to make a judgement against criterion 6 in its work programme<sup>1</sup>.

Criterion 6 is: whether the Partnership's recommendations are credible given public and stakeholder views.

The work programme lists three items as 'what we are looking for' in order to be able to make that judgement. These three items have become known as the 'indicators of credibility' (or 'the indicators'). The indicators in the work programme have been subject to review and revision by the Partnership. This report recommends formal adoption of the versions of the indicators that were presented for discussion in PSE2 and seeks agreement to the key elements of the approach that will be taken to their application.

The report covers:

- What we are looking for (ie the indicators)
- Work completed
- Commentary on the issues
- Conclusions and recommendations

## **2 What we are looking for**

The versions of the indicators that were subject to discussion in PSE2 are:

I Broad support for the Partnership's preliminary judgements against the criteria for participation [and any 'minded to' recommendation] from its current member organisations and those engaged through its programme of public and stakeholder engagement.

II Evidence that (a) concerns raised have been, or will be, addressed where appropriate, including explanations as to why not where relevant, and

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<sup>1</sup> 'Work Programme for MRWS Partnership 2010/11', Document 13.1

(b) reasons for opposition have been identified, understood and taken into account in reaching judgements against criteria for participation.

III The percentage of the surveyed public in Copeland and/or Allerdale that support without commitment participation in the process for identifying a potential candidate site should be greater than the percentage that oppose it (ie there should be net support).

The first two indicators are *qualitative* because they are about the quality of evidence and argument about the robustness of preliminary Partnership judgements, rather than the numbers of people or organisations involved. The third indicator is *quantitative* because it is about the number of people that support or oppose without commitment participation in the siting process.

## 2 Work completed

The following work was undertaken to develop the indicators:

- Preparation of Doc 74, 'Credible Support and Decision Making about Participation', setting out the reasons for moving from the indicators in the work programme to those above
- Partnership and Steering Group discussions of drafts of Doc 74 (at full Partnership meetings on 5 August and 28 October 2010 and Steering Group meetings on 9 June and 18 August 2010<sup>2</sup>)
- Doc 74 published<sup>3</sup>, with the indicators agreed as a suitable basis for discussion in PSE2
- PSE2 discussion of the indicators.

Doc 74 also discussed the *method* for gauging whether net support exists and proposed the use of an opinion survey, rather than a referendum. In doing so, Doc 74 took into account PSE1 findings, a House of Lords Select Committee report<sup>4</sup> and international experience<sup>5</sup>. The proposed method was also subject to discussion in PSE2 (see commentary below).

The Partnership has also completed a series of PSE tasks under criterion 6:

- Tasks 6a(i-iii) to design, deliver and respond to PSE1<sup>6</sup>
- Tasks 6a(iv-v) to design, deliver and respond to PSE2<sup>7</sup>
- Task 6a(vi) to design PSE3<sup>8</sup>

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<sup>2</sup> Partnership meeting reports for 5 August and 28 October 2010 are Documents 93 and 119, and Steering Group meeting notes for 9 June and 18 August are documents 78 and 98.

<sup>3</sup> 'Discussion Paper – 'Credible Support' and Decision Making about Participation', Document 74, September 2010.

<sup>4</sup> 'Referendums in the UK', House of Lords Select Committee on the Constitution, HL09, April 2010.

<sup>5</sup> 'Partnering for Long-Term Management of Radioactive Wastes', OECD NEA No 6823, 2010.

<sup>6</sup> 'PSE1 Report', Document 61, 13 May 2010 and 'Table of PSE1 Responses', Document 73.

<sup>7</sup> PSE2 Report and Table of Responses, forthcoming.

<sup>8</sup> 'PSE3 Plan', Document 15.3

- Task 6a(ix) to consider the pros and cons of using different engagement methods to inform a decision about participation<sup>9</sup>.

Remaining tasks are:

- Task 6a(vii) to monitor and guide PSE3
- Task 6a(viii) to review and report on the output of PSE3

### 3 Commentary on the issues

The TRG would like to highlight the following points about the indicators:

- The indicators are critical to being able to judge whether the Partnerships' draft advice or recommendations are credible given public and stakeholder views (ie criterion 6).
- An over-arching ethical dimension is that it would be wrong to make a recommendation that was not credible in the light of public and stakeholder views (ie that did not meet the indicators).
- The Partnership agreed that a 'net support' indicator should be adopted as a basis for discussion in PSE2 at its meeting on 5 August 2010. At the Partnership meeting on 28 October 2010, CALC itemised some issues of concern about a net support indicator (that net support may be less than 'simple majority' support and that higher thresholds for local support were being discussed in association with local referendums linked to the Localism Bill [where it now looks as if a 'simple majority' approach will apply]). There was a specific commitment to return to these issues following PSE2.
- The indicators were a major topic for discussion in PSE2. The key findings and draft responses outlining the processes that the Partnership will use to address these findings are set out in the Annex to this report.

For the purposes of this report, it is important to focus on the issues that are relevant to: (a) whether the indicators should be formally adopted and (b) how they will be applied.

On (a), some reservations have been expressed about adoption of a net support indicator. These reservations are that net support could be less than a simple majority and that it may not be credible if there is a large number of people saying 'don't know'. On the first reservation, the Partnership was content to provisionally adopt a 'net support' indicator on the basis that net support would be appropriate to the nature of the decision (ie about participation in the siting process, *without commitment* to eventually host the geological disposal facility). In other words, the 'size of the hurdle' was appropriate to the nature of the decision. On the second reservation, the results from the Partnership commissioned opinion surveys to date (see table below) show that around a quarter of people are consistently neutral or don't know, and that net support clearly exists all across Cumbria. In other words, it seems very unlikely that the results in the key opinion survey after PSE3 will

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<sup>9</sup> PSE1, 2 and 3 Plans, Documents 15.1, 15.2 AND 15.3.

have a sufficiently high number of neutrals/don't knows to undermine the credibility of the concept of net support. Note that it will be the results from the opinion survey after PSE3 that will count in terms of application of the net support indicator.

	Favour	Neither favour nor oppose / don't know	Oppose
<b>Survey 1: All of Cumbria</b>	50%	25%	25%
<b>Survey 2: All of Cumbria</b>	43%	27%	30%
<b>Survey 3: All of Cumbria</b>	48%	25%	28%
Survey 3: Allerdale	52%	23%	25%
Survey 3: Copeland	62%	20%	19%
Survey 3: Rest of Cumbria	44%	26%	30%

On (b) – how the indicators will be applied – the Partnership can take the opportunity to confirm that:

- The indicators will be used after PSE3 to enable the Partnership to reach a judgement about work programme criterion 6 (whether the Partnership's recommendations are credible given public and stakeholder views).
- In the first indicator, 'broad support' should be seen in qualitative rather than quantitative terms. In other words, what is important is the quality of evidence and argument about the robustness of preliminary Partnership judgements, and any conditions that might accompany expressions of support, rather than the numbers involved.
- That the net support indicator should just apply to West Cumbria, as it is only within this area that participation may result in the actual siting of a the GDF. The views of people living in the rest of Cumbria would be taken into account in reaching judgements against the qualitative indicators.
- All three indicators would have to be 'ticked' for a recommendation to participate to be made. In other words, the question of the relative 'weighting' of the indicators does not apply.

This approach to applying the indicators will need to be clearly explained in PSE3, including in the consultation document.

Specifically on the potential use of referendums, the TRG would like to highlight the following:

- During PSE1, the Residents' Panel expressed the view that a 'public vote' shouldn't be used until later in the process, once a potential site has been identified and residents have a better understanding of the issues.
- Doc 74 explains that the Partnership's approach to PSE and opinion surveys provides a way of delivering the claimed positive benefits of referendums and, in the process, avoids the claimed negative features (such as manipulation by organised interests, over-simplification of the issues and other issues dominating the matter in hand). Doc 74 also points out that in the limited number of countries where referendums have been used in a volunteer process (Hungary and South Korea), this has only been done at the stage when potential sites and well-defined potential host-communities have been identified.

- PSE2 found that there is mix of opinion on using referendums. Although several participants asked that referendums be used as a method of gauging support, on considering the practical implications they recognised that referendums would have to be carried out at the right point in the process, when more detail is available, for example, on impacts, benefits and siting.
- Provisions in the Localism Bill are that local referendums can be triggered either by petition from a local community (a threshold of 5% of the electorate in the relevant area is required), or by request from an elected member. However, a petition or request does not automatically trigger a referendum as certain grounds for rejection by a local authority are contained in the Bill. Note also that local referendums are non binding and a local authority can disregard the results as long as it publishes its reasons for doing so.

The merits or otherwise of using referendums to inform decision making in subsequent stages of the siting process can be kept open for review after any decision to participate that might be taken.

TRG also notes the importance of ensuring the robustness of the Partnership's opinion surveying and that this is being reviewed by the PSE Sub-Group.

#### **4 Conclusions and recommendations**

Overall, it is reasonable to conclude that no convincing reasons have been put forward which should prevent the Partnership formally adopting the indicators of credibility proposed in PSE2 and confirming that it wishes to use an opinion survey, rather than a referendum, to gauge whether net support exists prior to decisions about participation.

It is therefore recommended that the Partnership:

- a) Formally adopt the indicators of credibility (as outlined in section 2 above)
- b) Confirm the use of an opinion survey, rather than a referendum, as its approach to gauging whether net support exists for a decision to participate.
- c) Confirm key elements of the approach that will be taken to the application of the indicators, namely that:
  - the indicators will be used after PSE3 to enable the Partnership to reach a view on whether its preliminary judgements are credible given public and stakeholder views;
  - the 'broad support' indicator is about the quality of evidence and argument not the numbers expressing a view;
  - the net support indicator will only apply to West Cumbria and the views of people living in the rest of Cumbria will be taken into account in reaching judgements against the qualitative indicators; and

- all three indicators would have to be 'ticked' for a recommendation to participate to be made.
- d) Ask the PSE sub-group to ensure that the approach to applying the indicators is clearly explained in PSE3, including in the consultation document.
- e) Note that the merits or otherwise of using referendums to inform decision making in subsequent stages of the siting process can be kept open for review after any decision to participate that might be taken.

## Annex: Draft Responses to PSE2 Findings on ‘How public and stakeholder views will inform the Partnership’

Ref.	ISSUE	WHO	RESPONSE
<b>How public and stakeholder views will inform the Partnership</b>			
3.1	The application of any indicators used needs to be based on a transparent and fully considered process, including clarity over the fact that they will not be weighted against each other.	<b>Technical Review Group</b>	Agreed. The process for applying the indicators will be clearly set out in the PSE3 Consultation Document.
3.2	Whilst no one has really suggested an alternative for net support, there are concerns about the <i>method</i> used to gauge it. Any method used for gauging net support, in particular a telephone survey, will need a clear justification, and demonstration that other methods have been considered. This should include the Partnership’s views on the use of a referendum. It should also address concerns about the potential for bias (for example from those areas screened in or out by the BGS study) and about the credibility of net support if there is a large number of people saying ‘don’t know’.	<b>Technical Review Group, with support from PSE Sub-Group</b>	Agreed. The justification for the method used for gauging net support is being reviewed by the PSE Sub-Group and will be set out in the PSE3 Consultation Document. This will also clarify Partnership views on the use of referenda.
3.3	Levels of awareness should continue to be measured alongside levels of support. Consideration needs to be given to asking additional questions to assess levels of awareness.	<b>PSE Sub-Group</b>	The PSE Sub-Group will review the questions asked in the survey to assess levels of awareness with the aim of ensuring that we can make a reasonable assessment of the extent to which people have gained some understanding of the key issues.
3.4	The Partnership needs to ensure it has looked at the full range of organisations to be included in gauging broad support and provide clarity over how those views are used.	<b>Technical Review Group</b>	Agreed. We will include a review of which organisations we are engaging before the PSE3 consultation begins. We will incorporate those views into the PSE3 Report which will set out a summary of views received.
3.5	Other methods of engagement such as citizens’ juries could be borne in mind for use in the PSE3 consultation as the Partnership moves towards forming its advice to the Councils.	<b>PSE Sub-Group</b>	The PSE Sub-Group will review engagement methods, including citizens’ juries, as part of the PSE3 process design.
3.6	The Partnership needs to clarify why it is only applying the net support criteria to West Cumbria.	<b>PSE Sub-Group</b>	Agreed. This will be clarified in the PSE3 Consultation Document.