

HIGH PEAK BOROUGH COUNCIL

Report to Corporate Select Committee

20 March 2017

TITLE:	Consultation and Engagement Policy
PORTFOLIO:	Councillor Thrane - Executive Councillor for Finance and Corporate Services
OFFICER:	Mark Forrester - Democratic & Community Services Manager
WARDS:	Non specific

Attached: Appendix 1 - Draft Consultation and Engagement Policy

1. Reason for the Report:

To propose to the Executive a revised Consultation and Engagement Policy to ensure that the Council's consultation processes are robust.

2. Recommendation

2.1 That the Executive be recommended to approve the proposals made at 7.5 of this report and adopts the new Consultation and Engagement Policy (Attached at Appendix 1).

3. Executive Summary

3.1 To make good decisions the Council needs to understand the views, needs and priorities of the local community and, recognising that our community is diverse, we need to understand the perspectives of the different groups of people within our community. To avoid costly legal challenge to its decisions the Council must also be able to demonstrate that it has consulted local communities appropriately and taken account of their feedback.

- 3.2 The report reflects on the Council's current practice around consultation and engagement activity, including a review of the use of Citizens' Panels, and recommends a revised approach.
- 3.3 It is proposed to adopt a new Consultation and Engagement Policy (attached at Appendix 1) and to focus corporate consultation activity in the way proposed at section 7.5 of this report. It is recommended that Councillors will be informed of the consultation and engagement plans for the Borough as a whole, and those specifically in relation to their wards, prior to the start of the planned activities and will continue to be consulted directly, as now, on specific items affecting their wards.

4. **How this report links to Corporate Priorities**

- 4.1 Effective consultation will support the achievement of all the Council's Corporate Priorities.

5. **Options and Analysis**

- 5.1 That the Executive approves the proposed focus for corporate consultation and the revised Consultation and Engagement Policy (recommended).
- 5.2 That the Executive does not approve the proposed focus for corporate consultation and the revised Consultation and Engagement Policy (not recommended).

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

The development of positive relations with communities is understood to be a component of community cohesion and so contribute to community safety.

6.2 Workforce

There are no specific implications. Managers and staff will receive training in relation to the new policy.

6.3 Equality and Diversity/Equality Impact Assessment

The proposals are designed to improve the ability of the Council to fulfil its equality duty.

6.4 Financial Considerations

The proposed focus for corporate consultation is designed to be

delivered within the current service budget. Specific consultation exercises will be designed to be delivered within approved budgets.

6.5 Legal

The proposals are designed to ensure the Council meets its legal obligations and avoids legal challenge.

6.6 Sustainability

No Implications.

6.7 Internal and External Consultation

No implications other than those described in the body of this report.

6.8 Risk Assessment

No specific risks identified. Risks, reputational and other, will be considered when designing individual consultation exercises.

7. Background and Detail

- 7.1 To make good decisions the Council needs to understand the views, needs and priorities of the local community and, recognising that our community is diverse, we need to understand the perspectives of the different groups of people within our community.
- 7.2 To avoid costly legal challenge to its decisions the Council must be able to demonstrate that it has consulted local communities appropriately and taken account of their feedback. Reported costs to authorities for legal challenges where decisions have been made in favour of complainants have been in the region of £60,000 per challenge. Some authorities which have received multiple challenges have experienced costs in excess of £600,000. Dependent on the challenge, and the court's decision, authorities in most cases have had to carry out the consultation and decision making process again at additional cost where they have lost legal proceedings.
- 7.3 Failure to fulfil the Council's equality duty under the Equality Act 2010 is also an area of potential challenge and risk for the Council. Understanding, consulting and engaging with groups identified in the Equality Act as having 'protected characteristics' is an essential element of the Council's work to fulfil its equality duty. Consultation and engagement will frequently provide the critical intelligence required to undertake effective Equality Impact Assessments or equality analysis.

7.4 The following reflections are offered on the Council's current approach to consultation and engagement:

7.4.1 The Council's current strategy was agreed in 2009 and requires review in light of changing legislation and the increased risk of legal challenge. There is a need for consistency in approach to consultation across all areas of the Council, ensuring that the importance of consultation is always understood and planned well enough in advance.

7.4.2 With the demise of the Comprehensive Area Assessment regime, corporate consultation exercises became less well focused.

7.4.3 Citizens' panels:

- A well established, engaged and managed Citizens' Panel has the advantage of providing a good response to well designed consultation exercises, which in turn provides a robust evidence base for decisions.
- To work effectively Citizens' Panels need to be used regularly and membership updated constantly (one third annually from previous experience). In addition officers observed significant 'churn' with Citizens' Panel email addresses changing during the course of a year.
- There is a significant administrative burden involved in posting Citizens' Panel questionnaires, collating the results ready for analysis and keeping the membership of a panel up to date.
- Previous experience of the annual budget/service prioritisation consultation is that year on year there is very little change in community priorities. Questionnaires to the Citizens' Panel were providing no new information and no depth in terms of insight into the impact of services, reasons for prioritisation or views about quality.
- Previous consultation has provided little insight into the views and priorities of groups identified as having 'protected characteristics' under the Equality Act 2010.
- The High Peak/Staffordshire Moorlands panels were last used in 2014.
- In light of the above, it is not proposed to continue with Citizens' Panels.

7.4.4 The consultation exercise undertaken to support the formulation of the Local Development Framework has been rigorous and well managed.

7.5 Proposals:

7.5.1 Taking into account the experience of the Council's current Consultation Policy, and considering the changes in the Council's legal duties, it is proposed to adopt a new Corporate Consultation Policy (attached at Appendix 1) which aims to:

- Provide the Council's corporate decision makers with high quality timely community insight information.
- Reduce the risk to the Council of legal challenge from claims of insufficient or poor quality public consultation or a failure of the Council's equality duty.

7.5.2 The revised Policy proposes that the Council undertakes two corporate consultation exercises during the course of a political administration:

A 'Place Survey' – once every four years: A single piece of work to identify community views, priorities and satisfaction (including general satisfaction/perception of the Council). This will provide data for some of the Council's Performance Indicators.

A Corporate Priorities Survey – once every four years: A single short consultation exercise in the first year of a new administration which sets out the proposed Corporate Plan and invites views.

7.5.3 The Policy confirms that the Council should continue to undertake an annual budget consultation exercise. In order to ensure that new insight is gained it is proposed that the annual budget consultation exercise, whilst open to all (via Council's website) will in future target and engage 'protected characteristic' groups. The anticipated benefit is that over time the Council will build an evidence base about the views, needs and priorities of different groups of people within the overall population. The annual budget consultation can also be used to gather data for the Council's Performance indicators.

7.5.4 The Council has a continuing duty to consult local businesses with regard to the annual budget.

7.6 Under the proposed Policy, the Democratic and Community Services Team will have three main roles in relation to consultation: (1) It will take direct responsibility for commissioning/undertaking the Place Survey, the Corporate Plan/Priorities consultation and Budget Consultation exercises; (2) It will provide support to Heads of Service

and Corporate Service Managers to undertake service planning consultation; and (3) It will oversee the consultation policy and consultation forward planning.

Mark Trillo

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**Web Links and
Background Papers**

Location

Contact details