

GOVERNANCE COMMITTEE

27 NOVEMBER 2013

REPORT OF HEAD OF COMMUNICATIONS

**COMMUNITY CONSULTATION , ENGAGEMENT
AND INVOLVEMENT STRATEGY - REVISITED**

1.0 PURPOSE OF REPORT

- 1.1 In recognition of the Localism Act's aim to devolve power to the people, recent ground-breaking case law and the Council's commitment to involve people in matters that affect them and their lives, the current Community Consultation Strategy has been revisited and renamed.
- 1.2 To request approval of the Community Consultation, Engagement and Involvement Strategy which sets out a more robust corporate process for consultation and aims to breathe new life into the Council's consultation arrangements.

2.0 RECOMMENDATIONS

- 2.1 **That the revised Community Consultation, Engagement and Involvement Strategy be approved and implemented with immediate effect.**
- 2.2 **The strategy be subject to a public consultation exercise over a 3 month period.**
- 2.3 **That the Head of Communications be granted delegated authority to make amendments to the strategy following the public consultation exercise as well as those in line with legislation and good practice.**

3.0 KEY ISSUES

- 3.1 Although it is only two years since the first Community Consultation Strategy was approved, with the introduction of the Localism Act the aim of which is to devolve the power to the people, due to ground-breaking new case law and more budgetary constraints on the way, listening to what people tell us has become more essential and it is considered the right time to revisit the strategy and update the corporate consultation process.
- 3.2 The strategy has been renamed the Community Consultation, Engagement and Involvement Strategy to recognise and increase opportunities to engage with the community through a variety of options that best suit the situation in order to seek the views of those affected to develop and improve services in line with the Council's priorities. The strategy focuses on public consultation and is not intended to be the process used for internal consultation although this does not mean that staff cannot respond to a community consultation.
- 3.3 By the successful capture and dissemination of customer opinion, the Council will be able to identify improvements and provide benefits to the community in ways

that meet customer needs and target resources appropriately to deliver greater efficiency and satisfaction.

3.4 It is recognised that the corporate approach to consultation as set out in the strategy and toolkit needs to be followed consistently to ensure the commitment for consultation is met and that there is a recorded process of each consultation exercise. By ensuring that the corporate process is followed for all external consultation and suitable records are kept of each stage of the process, the Council would be in a strong position to withstand any challenge to a decision which resulted from a consultation. It may be helpful to note that to not consult on a major policy change that affects people of the Borough would not be a wise decision and would make the Council vulnerable to challenge.

3.5 Leeds Heart Case Judgement – April 2013

Due to new case law and specifically the recommendations which were published following the judgment of the Leeds Heart Centre case in April 2013, the court identified 12 principles to follow. It is considered good practice that these principles are applied to Melton's arrangements, therefore the 12 areas have been reviewed against the Council's existing strategy and the commitment of the 8 Key Rules. It was found that the majority of the Council's strategy met the requirements of the 12 areas as it already had a structured, transparent and relevant process in place supported by a user-friendly toolkit. However learning from this case law, suggested that there were 2 areas identified where changes would be beneficial as follows :-

(a) the first relates to ensuring that 'the consultation product is taken into account when the ultimate decision is taken'. It was considered that there could be more emphasis on the format and release of information to decision-makers and this be reflected in the Council's Commitment to Consultation at Key Rule 1 as below :-

- *Results of consultation together with other relevant factors will be provided to Councillors in a format which enables openness and transparency of decision-making*

(b) with regard to equalities, one of the case law principles stated that '*the more intrusive the decision the more likely it is to attract a higher level of procedural fairness*', to recognise this importance an extra point has been added to Key Rule 4 to take account of the Council's Single Equality Scheme as follows :-

- *Consultations should take into account the protected characteristics of the Single Equality Scheme where appropriate*

By adding the last point, it has also resulted in updating the Council's process and toolkit to ensure that those carrying out a consultation exercise will consider equalities issues for each consultation as well as collect equalities data. This data will help us to know whether the results are representative of the whole community. Such information will be monitored and summarised in any report to decision-makers should the impact on the consultation be significant. Also to help reach those with the protected characteristics, a separate contact list is available for use by staff as part of each consultation.

3.6 Consulting with Children and Young People

The importance of consulting with Children and Young People has been included in the updated strategy and there is a separate Children and Young People Participation Toolkit which has been developed by Charnwood Borough Council to help Councils involve children and young people in service design and delivery. This toolkit is currently being finalised as a model for use by all Leicestershire District and Borough Councils.

3.7 Keeping people informed

Keeping people informed of progress of high profile consultation projects is key to retaining people's interest and trust and reference to this has been included in the revised strategy. Such ongoing campaigns like the Melton Local Plan benefit from having a planned approach to a series of consultations that sets out what the Council intends to do including how and when decisions are made following each stage. The bonus of a plan is also that communications are built in so that people who are affected at each stage are kept informed of progress and outcomes.

3.8 'The Melton View'

Listening to our customers on a day to day basis via social media, service feedback, compliments and complaints as well as feedback from focus groups and formal consultations provides a wealth of customer opinion. Central collation of this type of data can help to inform at the pre-consultation stage in such areas as option development and methods of engagement for different groups of people. The information can also be used to help inform how the Council works and uses its resources to best serve the people who live, work and visit the Borough.

What we know about our community through consultation and public opinion including compliments is being collectively known as 'The Melton View'. This strategy aims to strengthen 'The Melton View' and provide a route to ensuring that information is captured every time we received people's opinions about the Council and its services. It is also a helpful tool to ensure that there is no duplication in asking people's opinions about the same subject more than once within a reasonable timeframe.

Therefore the strategy has been updated to reflect the availability and storage of this information and to build the use of this type of intelligence, where it is available, into the corporate consultation process.

'The Melton View' follows on from the hub of information which creates the picture of Melton being produced from the hard statistics called 'The Melton Truth'. 'The Melton Truth' is mainly formed from demographic data and customer insight.

3.9 Methods of consultation

The Council is committed to keeping up with the latest communication technology and uses the website, email and various types of social media to communicate with the people of the Borough. The strategy reflects the growing trend towards gathering public opinion through social media and the speed that views can be expressed and responded to. Whilst the Council's Twitter and Facebook accounts are updated regularly and monitored by relevant Lead Officers, this type of communication does not necessarily replace formal consultation where different methods are needed to suit the diverse population of people being consulted.

The toolkit offers a wide selection of consultation methods to suit those being consulted and in most cases several methods will be used for each exercise as well

as different ways to feedback views. For instance the website can be used for a questionnaire and hard copies also provided on request and 'on the street' as well focus groups held for those who prefer to verbally express opinion. Responses may be received by different methods too including via social media. The toolkit gives guidance on the consultation process, different methods available depending on what type of information is needed and who is being consulted.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 Revising the Community Consultation Strategy to ensure that it reflects our current arrangements and where the Council wants to be is a key part of the Council's ambition of being 'customer focused'. The strategy forms an important part of being 'A Well Run Council' by listening to what people say and using that information to tailor services around customer needs and therefore achieve customer satisfaction.
- 4.2 Ensuring there is a robust corporate consultation process in place ensures that the Council is able to meet the changing needs of its communities and respond in ways that deliver real improvement and value for money.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 Financial and resource implications will mainly be met by in-house arrangements.

6.0 LEGAL IMPLICATIONS/POWERS

- 6.1 There are no overarching pieces of legislation on how local government should consult especially since the 'Duty to Involve' was repealed with the introduction of the Localism Act however there are various duties contained in specific pieces of legislation. Case law helps to inform the duties of consultation and the Gunning Principles (from 1985 case law) are used as a measure to assess whether a consultation exercise has been followed fairly and these principles explain a staged approach to consultation.
- 6.2 When there is legal challenge, it appears that the issue of fairness is of paramount importance and as a general rule if people are affected by a policy change then they should be consulted and the results of the consultation must be made available to the decision-makers.

7.0 COMMUNITY SAFETY

- 7.1 There are no direct community safety implications in this report.

8.0 EQUALITIES

- 8.1 Consultation provides opportunities to reach all sections of the community and there is specific guidance in the toolkit as to how this can be achieved. An Equalities Impact Assessment has been completed and is available on the Council's website.

9.0 RISKS

- 9.1 Lack of recognition as to when to consult can result in lost opportunities for customer feedback and involvement in Council initiatives.
- 9.2 Officers find the consultation process and toolkit too bureaucratic and do not follow the procedure. To mitigate, internal communication arrangements will follow approval of the revised strategy.

10.0 CLIMATE CHANGE

- 10.1 In accordance with the Council's commitment to meet green targets and engage with customers through the website, the strategy refers to electronic methods of communication and consultation where appropriate.

11.0 CONSULTATION

- 11.1 It is also intended that Committee approval be subject to community consultation via the website and with the list of recognised groups and organisations which also meet equalities requirements. There has been consultation with Management Team on this strategy.

12.0 WARDS AFFECTED

- 12.1 All wards will be involved in consultation.

Contact Officer	Sarah Evans, Senior Democracy Officer
Date:	November 2013
Appendices :	Appendix 1 – Community Consultation Strategy (includes Appendices A-E) Appendix F – Equalities Monitoring Form Appendix G – Consultation Toolkit
Background Papers:	Previous MBC Community Consultation Strategy Leeds Heart Centre Judgement – April 2013
Reference :	X : Cttee Council & Sub Cttees/GOV/2013-14/271113