



CONSULTATION STRATEGY 2016 - 2020

1. INTRODUCTION

Consultation and opinion research are valuable tools for the Council to use to gain feedback and opinion from residents, businesses and other stakeholders in the district, to help elected Councillors make decisions. The Council is committed to engaging with its stakeholders to help shape the direction of future policies and to ascertain if current approaches to service delivery are meeting the needs of residents.

Consultation is critical to inform policy development and performance data and gives valuable insight into perceptions of the Council and its services and policies.

Meanwhile, evidence from the 2013 District Wide Survey found that 32% of people disagree that NHDC makes an effort to find out what local people want and 28% disagreed that NHDC fully involves / consults residents on important issues. This has the potential to have a serious impact on our reputation and on resident satisfaction with services and therefore needs addressing. This does not necessarily mean we need to increase the volume of consultation that we undertake, but we may need to consider consulting earlier in the process, existing opportunities may need to be publicised more widely or made more accessible using a range of methodology. It could also mean that we need to publicise how we have utilised the feedback from consultations, including any elements which are not adopted, so that residents better understand how they have played a role in the process.

2. REVIEW OF LAST STRATEGY PERIOD 2010-2015

Since the Council's last Consultation Strategy was adopted in 2010, the external environment has dramatically altered, meaning our consultation priorities also need to adapt.

Firstly, the challenging financial climate means the Council has to make difficult decisions, which may not always be popular with residents. While it is important that residents and businesses can have the opportunity to express their views on potential decisions where appropriate, we also need to be explicit about when and where consultation and engagement opportunities are available, whether this be by means of formal consultation or informally through elected Councillors, and mindful of the need to carry out consultation in a cost-effective and proportionate manner.

Secondly, technology has also moved forward, providing us with an opportunity to reach new audiences and carry out more online consultations. Thirdly, since the last Strategy was written, central Government have scrapped the previously mandatory Place Survey and so our consultation activity has been adapted accordingly.

Finally, since 2010 there has been reduced staffing resource for consultation and this has impacted on the scale of activity which the Council is able to carry out. However, rather than ceasing activities it has led to an approach of largely using external providers to commission

opinion research and the introduction of 'Survey Monkey' software which is a simple and effective tool for creating online surveys.

Bearing in mind the factors above, this document outlines how the Council will approach consultation and engagement activity over the next five years.

3. CONSULTATION OBLIGATIONS AND TYPES OF CONSULTATION

3.1 The Duty to Consult

In some areas, legislation (or statutory guidance) expressly imposes a duty on a public authority to engage in some form of consultation before taking a particular decision or exercising a particular function. Even where there is no express duty to consult, the courts may imply a duty to consult as part of a public authority's general duty to act fairly, for example if nature and impact of the decision may mean that fairness requires it. The more serious the impact of a decision is on affected individuals, the more important it is that the right decision is reached and that those affected feel that their concerns have been considered by the decision-maker. Broadly, therefore, the more serious the impact, the more likely it is that fairness requires the involvement of affected individuals in the decision-making process by some form of consultation.

In March 2015, the Government introduced Best Value Statutory Guidance. Local authorities are under a general 'Duty of Best Value' to "*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.*" The Guidance refers to the 'Duty to Consult' representatives of a wide range of local persons when considering how to fulfil the Best Value Duty. This relates to the principle that local authorities should exercise fairness in the exercise of their functions.

Authorities must consult representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to have an interest in an area within which the authority carries out its functions. Authorities should include local voluntary and community businesses in such consultation.

In non-statutory consultations it is up to the Authority to decide whether there is a duty to consult anyone and if so what 'fair consultation' entails in the circumstances. The Cabinet Office Consultation Principles document states that "*The governing principle is proportionality of the type and scale of consultation to the potential impacts of the proposal or decision being taken and thought should be given to achieving real engagement rather than merely following bureaucratic process.*" (Cabinet Office Consultation Principles 2013).

In some circumstances there will be no requirement to consult and this will depend on the issues, the nature and impact of the decision and whether interested groups have already been engaged in the policy-making process. However, if the proposals could have a significant or serious impact on those affected then it is likely that consultation should take place before a decision is taken.

3.2 Statutory Consultations

There are certain instances where the Council has a statutory duty to consult. For example, when adopting or modifying the Council's Homelessness Strategy or the Licensing Act Policy and the Gambling Act Policy. We also have a duty to prepare a Statement of Community Involvement which sets out how we will consult during the process of preparing a Local Plan. Where the duty to consult is imposed by statute, the procedure to be adopted is also likely to be prescribed by legislation.

3.3 Service specific tailored consultation

The Council also carries out service specific consultation activity from time to time, with methods varying according to the scale and nature of the project. For example, we have carried out informal on-site consultations with local people when considering the types of play equipment to install in play areas due for refurbishment. We have also surveyed users of taxis on their experiences.

3.3 Opinion research surveys

The Council uses opinion research surveys as a tool to gauge public opinion and benchmark satisfaction with the Council on a range of services. This type of consultation varies from seeking high levels views on to carrying out surveys to gain insight into a particular topic to inform future service delivery e.g. recent topics in Citizens Panels include food waste, the proposed crematorium and the Careline service.

4. CONSULTATION OBJECTIVES

Consultation and engagement with the community has a key role to play in helping the Council deliver its objectives and as well as our statutory obligations. At a meeting of Council on 3 September 2015 a new corporate plan was agreed for the period 2016-2021. The corporate plan contains three new objectives. The three objectives are:

- To work with our partners to provide an attractive and safe environment for our residents, where diversity is welcomed and the disadvantaged are supported
- To promote sustainable growth within our district to ensure economic and social opportunities exist for our communities, whilst remaining mindful of our cultural and physical heritage.
- To ensure that the Council delivers cost effective and necessary services to our residents that are responsive to developing need and financial constraints

The key starting point for the Consultation Strategy is ensuring that consultation forms part of the process for delivering on our core objectives. Service areas should therefore consider when consultation activity is appropriate when devising their service plans and performance indicators.

Consultation objectives:

- Supporting elected councillors to exercise their democratic role in the decision-making process.

- Provide opportunities for residents and stakeholders to ‘have their say’ on issues that are important to them and their local community.
- Use feedback from consultations to make council services more relevant to residents needs
- Improve the quality and cost effectiveness of consultation activity in the Council.
- Improve our consultation with residents so that the Council is perceived as a Council that listens and is responsive to residents needs.
- Ensure there are a range of communications channels available and that services understand the benefits of each one.
- Demonstrate where and how consultation and engagement influences decision making.

5. HOW WE CONSULT

Consultation and engagement happens on a day to day basis across the Council in an informal sense, through day to day contact with customers and listening to feedback provided through the 3Cs process. The Council uses a variety of formal consultation methods to ensure that a cross-section of residents and other stakeholders can influence the development of policies and help inform service delivery. For non-statutory consultations, the most appropriate and cost-effective mechanism for consultations have to be considered.

5.1 Elected Councillors

Elected Councillors play a crucial role in the Council’s consultative process through their roles as community leaders and in scrutinising the work of the Council. In particular, Councillors form a link between the community and the Council both through initiatives such as Councillor Surgeries and Town Talks (In Baldock and Hitchin) and by being ‘the face’ of the Council –providing residents with an opportunity for personal contact, whether that is by email, phone, post or in person.

Critically Councillors are elected to represent the views and opinions of their constituents and do this through the formal decision making process, where they have the ability to scrutinise Council decisions and policies.

5.2 District Wide Survey

The Council carries out a District Wide Survey every two years, to gain high level feedback and opinion on Council services. The question set remains largely the same each time to enable benchmarking of satisfaction levels. It is a useful barometer of opinion among residents. Since the last consultation strategy, the methodology for the survey has been changed from face to face to telephone as this generated significant cost-savings without compromising the quality of the data. The next District Wide Survey is being carried out in Autumn / Winter 2015, followed by one in 2017.

5.3 Citizens Panel

Residents who take part in the District Wide Survey are invited to join the Council’s Citizens Panel. This is a panel of people (currently about 1,500 members) who indicate that they are willing to be contacted on a regular basis on a variety of topics related to Council business.

As part of this process, a postal survey of the panel is carried out every two years, in the alternate year to the District Wide Survey.

There is scope to use the Citizens Panel more frequently, for example previously Members of the panel were contacted to participate in focus groups on waste communications and on workshops on Council budgeting. There is also the potential to carry out more frequent online surveys with this group as a significant proportion have now provided their email address. However, as the Council no longer has a dedicated Consultation officer, resource to carry out additional surveys would need to be considered.

5.4 Online surveys (Survey Monkey)

The Council has a paid for subscription to Survey Monkey which is an online survey tool. The tool is very easy to use and users can easily design simple surveys and generate results with minimal assistance needed from the communications team, aside from advice on wording and minor technical support. It has become a valuable and cost effective tool for a range of internal and external surveys. For example the Council's biennial Staff survey is now carried out on Survey Monkey, as was a recent consultation on proposals for a splash park at Bancroft Recreation Ground and Priory Memorial Gardens. Some services also now use Survey Monkey, to survey customers on satisfaction levels with the service provided.

There are limitations to its use as it is an online only tool, however given the financial constraints we are operating under and the move by much of the population to carrying out their everyday business online, it does provide a very useful opportunity for potential growth of consultation activity.

5.5 Face to face surveys

In certain circumstances it can be effective to carry our face to face consultations. For example in recent years, Groundwork has carried out face to face consultations on our behalf with local residents when considering potential designs for play areas. Capturing 'users' on-site can be a very effective way of gaining valuable insight. There are also opportunities for less formal consultation by attending local community and voluntary groups, especially where any proposals could affect minority communities.. On a larger scale however, face to face methodology can prove to be very resource intensive and expensive.

5.6 Social media

The use of social media as a formal consultation channel is still in its infancy, as in many consultations we require the name and address of the respondent to validate their response. However social media can provide a useful informal barometer on the type of issues people are concerned about, which can be fed back to the relevant service areas. Social media is also a useful channel for communicating about consultations and signposting people to the relevant information that allows them to have their say.

6. ASSESSING THE APPROACH TO CONSULTATION

6.1 Carrying out a Fair Consultation (The Gunning Principles)

When there is a duty to consult, the duty is to engage in a lawful and fair consultation, and any consultation (whether there is a Duty to Consult or not) should be both adequate and fair. To establish if proposed consultation is fair, services should be guided by a set of principles set out in case law (R v London Borough of Brent, ex p Gunning [1985] LGR 168), otherwise known as the Gunning Principles:

- **The consultation must be at a time when proposals are at a formative stage.** If consultation is to be meaningful, it needs to be undertaken at a point when the mind of the decision-maker is still open to change. However, it must also be carried out when there is adequate information on the proposals for consultees to be able to offer an informed response. It is acceptable for the decision maker to have a preferred option before commencing the consultation process, however there must be genuine potential for the preference to change as a result of the consultation, within the agreed policy framework.
- **The proposer must give sufficient reasons for any proposal to permit intelligent consideration and response.** This refers to consultees having an understanding of why the proposals have been put forward and what the important factors are that will be decisive in the decision making process. When putting forward a potential proposal, it must be clear what the proposal entails and the reasons for putting it forward.
- **Adequate time must be given for consideration and response.** This depends on a number of factors including the size of the group being consulted, the complexity and scale of the issues being consulted on, the method of consultation and the urgency involved.
- **The product of consultation must be conscientiously taken into account in finalising statutory consultations.** This is a critical stage in that service areas must be able to demonstrate how consultation responses have been taken into account during the decision making process.

6.2 Practical Considerations

6.2.1 Sample Size

It should be noted that it is not always necessary to capture a 'representative sample' of the target population in consultation, however if the sample is not representative it does mean that caution needs to be exercised in how the results are utilised. Service areas also need to make it explicitly clear when reporting the results of consultation whether they are using a representative sample. It is often advisable to carry out more than one method of consultation, for example combining face to face research with an online survey can be useful to capture a broader sample, however this may not always be cost-effective.

6.2.2 Timings for Consultation

Consideration should be given to timing – both in allowing enough time for meaningful responses (as per the Gunning principles) and if, for example there are public or school holidays during the period, it may be prudent to allow for a longer consultation period than normal. The time period allowed will depend on the nature, complexity and impact of the proposal – but as a general rule they might vary from between 2 to 12 weeks in length. Consultation exercises should not generally be held during pre-election periods. Time also needs to be built in to analyse the results effectively.

6.2.3 Constitutional requirements

The Council's Member /Officer Protocol on Working Arrangements states that wherever the Council undertakes any form of consultative exercise on a local issue, the Area Committee/Ward Members should be notified at the outset of the exercise.

6.3 Process for determining consultation approach

It is at the discretion of each service area in conjunction with their Executive Member to determine the appropriate methods of consultation, as this will vary according to individual requirements. A simple model that services should follow is below:

Stage One: When considering a potential change to service or policy, the Head of Service, in conjunction with the relevant Executive Member, should consider whether the Duty to Consult applies and should agree a proportionate approach to consultation. The Head of Service should carefully consider the Gunning Principles when designing any consultation activity.

Stage Two: Service area to consider the issues to be addressed as part of a consultation and identify the key stakeholders to be consulted at an early stage. These key stakeholder groups should be agreed in conjunction with the relevant Executive Member. Consideration should be given to how to include and engage any minority or disadvantaged groups in the consultation.

Stage Three: If appropriate, hold an initial key stakeholder consultation to consult on overarching themes and principles.

Stage Four: After considering responses from key stakeholders, draw up a more specific and targeted public consultation using appropriate methodology. Consideration should be given to how to include and engage any minority or disadvantaged groups in the consultation. Advice can be sought from the communications team on methodology and survey wording.

Stage Five: Publicise consultation responses where appropriate and publicly demonstrate how consultation responses will be used in the next steps of the project. Adopt a 'You Said, We Did' approach to giving feedback. Keep people who have participated in the consultation informed about the progress of the project.

7. COST OF CONSULTATION

The opinion research surveys (District Wide Survey and Citizens Panel) will be carried out within existing budgets. As we gather a more comprehensive database of email addresses from our Citizens Panel there may be an opportunity to make greater use of cheaper electronic surveys to supplement the biennial postal Citizens Panel survey, however the resource implications of this would need to be carefully considered.

Any service specific consultations will need to be funded by the relevant service area.

8. CONTACT

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