

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Policy and Resources Select Committee
Date:	24 July 2014
Title:	Draft consultations policy
Reference:	6009
Report From:	Member Working Group on Consultations (Cllr Wheale, Cllr McIntosh and Cllr Staplehurst)

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1. Purpose of Report

1.1. The purpose of this paper is to update the Select Committee on the work of the Member Working Group on consultations to prepare a draft policy. This report seeks a recommendation from the Policy and Resources Select Committee, to Cabinet, that the draft policy on consultations given at *appendix one* is adopted as part of the corporate governance framework. This policy is supported by a second staff guidance document, given at *appendix two* for reference.

2. Contextual information

2.1. The Policy and Resources Select Committee has had a long-standing interest in how the County Council consults over the past few years, receiving briefings throughout 2012-2013. In October 2013, Members decided to form a Working Group, for which Cllr McIntosh, Cllr Staplehurst and Cllr Wheale volunteered, to help develop and update existing consultation guidance for staff. Members of the Select Committee also requested that the Working Group explore whether basic standards of consultation should become enshrined in corporate policy as part of the corporate governance framework.

2.2. The working group met in February and June 2014 to discuss what was important for the County Council to consider when undertaking consultations, based on Members' experiences and feedback from residents. Members

commented on the draft consultation principles and staff guidance prepared by officers, which was then revised. The Working Group supports the draft documents attached, and submit them for consideration by the full Select Committee.

3. Consultation policy

- 3.1. The draft consultation policy at *appendix one* contains five principles for consultation:
 - a) We will consult on key issues and proposals
 - b) We will consult in good time
 - c) We will be inclusive but within clear and appropriate limits
 - d) We will consult using clear, simple information
 - e) We will publish information on how views have influenced our decisions.
- 3.2. These five consultation principles are intentionally broad and cover a range of consultation scenarios. The standardisation of these principles and guidance across all departments offers benefits to both Members and officers, setting expectations about how the County Council should manage consultations.
- 3.3. A draft staff guidance document has also been prepared to accompany this policy and is provided at *appendix two*. The staff guidance is intended to serve as a helpful checklist of the considerations officers should make when planning a consultation exercise. The intention is to publish this guidance on Hantsnet, the County Council's internal website.

4. A corporate policy

- 4.1. The County Council has committed in its Code of Corporate Governance that it should: "*Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including a feedback mechanism for those consultees to demonstrate what has changed as a result.*" The Working Group therefore supports the intention that the consultation policy should be adopted in accordance with this commitment. Legal Services and the Governance Team have provided helpful input into the careful wording of both documents.
- 4.2. The Select Committee has the power to make recommendations to Cabinet. If the committee's recommendations are accepted by Cabinet, the draft consultations policy would then become part of the Corporate Governance Framework.

5. Recommendations

- 5.1. That, pending any amendments by the Select Committee, the draft consultation policy given at *appendix one* be recommended to Cabinet to be adopted as part of the corporate governance framework.
- 5.2. If adopted, that the supporting staff guidance at *appendix two* be published on the intranet to support officers in upholding these commitments.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	Yes
Maximising well-being:	Yes
Enhancing our quality of place:	Yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. The adoption of this policy should enhance the ways in which consultations are managed by the County Council. Equality considerations are a key feature of both the draft consultations policy and draft staff guidance.

2. Impact on Crime and Disorder:

- 2.1. None.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

n/a

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

n/a

Appendix one

Draft – Hampshire County Council consultations policy

Our consultation principles

Consultation is a process of dialogue with residents and stakeholders, which usually has a defined start and end date, and informs a decision about a proposal, policy, or service change.

Hampshire County Council is committed to engaging through consultation with residents and known interested parties on the important issues that affect them, including how council taxpayers' money is being spent. While we do not undertake to hold a public consultation on all aspects of our work, we are committed to consulting on a proportionate basis as appropriate for the potential impacts of proposed decisions. To help us get this right, we have adopted five consultation principles to inform when and how we will consult.

We will consult on key issues and proposals

We will consult on significant corporate strategies, or significant service decisions, which meet one or more of the general criteria below (please note this list is not exhaustive):

- Decisions which are likely to have an impact of significance on a particular group of service users, residents or businesses, for example near a specific location
- There is or is likely to be widespread public interest
- There is a clear link to our formal decision-making processes (as appropriate and in accordance with the Council's Constitution)
- We are required by law to conduct a prescribed form of public consultation or engagement.

We will consult in good time

In order to consult residents and interested parties in good time, we will:

- Consult early in the policy development or decision-making process so that views can genuinely be taken into account
- Set a timeframe which is realistic and proportionate – this will be decided on a case-by-case basis, depending on the nature and impact of the proposal. Please note that in some cases consultation would not be appropriate, for example in an emergency, when we would need to act quickly to respond to circumstances outside of the Council's control
- Be clear about the overall timetable for the decision-making process
- Give sufficient notice by publishing information on our website when and by whom key decisions are being made (see our [Notice of Key Decisions](#) and our schedules for [shaping services for the future](#))
- Allow enough time for responses or feedback to be prepared
- Take into consideration any impact that holiday periods may have on the proposed consultation

- Take into consideration any impact that national and local election periods may have on the proposed consultation
- Be clear that only responses received within given timescales will be taken into consideration.

We will be inclusive but within clear and appropriate limits

Hampshire residents and communities have different needs and views. We aim to ensure that everyone who wishes to have a say can do so. The form of the consultation will be proportionate and will depend on the issues under consideration, the scale of ambition and any required legal processes. In order to provide as good a service as possible, we will:

- Use a range of channels or ways to enable residents and stakeholders to be involved and provide feedback during a consultation period, for example: through our website, online survey and paper formats which are made available through a range of public venues across the county, e.g. Libraries and Discovery Centres
- Invite interested stakeholders to take part. This may involve consultation with individuals, a group or groups or the public as a whole depending on the nature of the proposed decision
- Avoid potential discrimination, including providing information in alternative formats upon request
- Not publish any personal information without expressed consent.

We will consult using clear, simple information

We will seek to publicise information which is clear and simple. We will:

- Communicate in plain English and avoid jargon and acronyms
- Be clear about the questions being asked but leave an opportunity for further comment where appropriate
- Be clear about the purpose of the consultation, including the aspects of the decision which are open to change, and the decisions which have already been taken
- Provide sufficient information to allow stakeholders to make informed comments
- Be clear about what we will and will not do with the responses.

We will publish information on how views have influenced our decisions

When making decisions we will give due regard to the views expressed as part of any consultation by weighing those views alongside other relevant considerations, including operational, financial, policy and legal considerations. We will publish information about the findings of our larger scale consultations, and where connected to a formal decision, publish information which demonstrates how resident and stakeholders' views have influenced that decision. We will:

- Prepare information for decision-makers about the views collected
- Publish on our website, in good time after the consultation has closed, the number of responses received and summary information on the views collected
- Publish clear information about the decision once it has been made on our website <http://www.hants.gov.uk/councilmeetings>.

Appendix two

Draft – Staff guidance to consultations policy

About this guidance

This guidance has been produced to help officers who are planning a consultation, setting out the recommended steps and areas for consideration. Please note that if a decision is challenged on the basis of a problem with consultation, you will be required to produce evidence to show that consideration has been given to the questions below.

Title of consultation	Be clear on the key issue of the consultation	
Project lead officer/team	Person who asked for the consultation and to whom you will report	
Agreed contact for public facing documents	Who can be contacted to find out more about the consultation? NB: consider volume of calls and how they will be managed	
Purpose of the consultation		
Clear, accurate and precise reason why consultation has been commissioned, including any legal obligations to consult. Being clear here will help you to form good consultation questions.		
Background information		
Give information about the service or issue to which the problem relates and its wider context for the County Council and the decision to be made. Provide any additional information that explains relevant external conditions within which the service operates.		
Will the consultation be used as part of a decision?		
What and how will the information collected as part of the consultation be used for, who will use it? Will an Executive Member, Committee or Chief Officer make a decision which includes information obtained through consultation?		
Statement of consultation objectives		
What do you want the consultation to tell you? What can be affected by stakeholders' views? If issues or outcomes of a decision cannot be affected, it is likely to be a communications project not a consultation.		
Timing of the consultation		
The length of time for consultation should be proportionate, reasonable and realistic, allowing stakeholders sufficient time to provide a considered response. Remember to avoid holiday periods if possible, or allow extra time after the end of the main holiday periods.		
Statutory Timescales as set out in relevant legislation.	Consultation is expected The timing and length of time required will depend on the nature and impact of the proposal, the questions to be asked and needs of people to be consulted, and should be decided on a case-by-case basis – consultation is unlikely to need to be more than 12 weeks.	Pre-consultation engagement
State timescale	State timescale and reason for this timescale	State timescale and reason for this timescale

Why is this type of consultation necessary?	
Brief statement on why the consultation is necessary now	
Documentation	
What documentation will be produced, e.g. consultation options report, formal decision-making report etc. In all public-facing documentation the use of technical jargon should be avoided and any acronyms explained at first use.	
Consultation outcome feedback mechanisms	
Date of publication on County Council's e-consultation website (publication date)	Insert publication date
Date of move onto 'closed consultations'	Insert closing date and time
Will there be a dedicated consultation web page (this includes online surveys)?	Yes/no If yes, what will the link be? If no, why not? How will you publish information about the consultation?
Executive Member or Committee decision date	Insert date
Meetings Information System Decision Reference (if known)	Insert decision reference number if known
Project budget	Insert amount of consultation budget or anticipated cost
Time Code(s)	Insert time recording codes (where applicable)
Cost Centre and General Ledger (GL) codes	Cost Centre: GL code:
Officer-level internal liaison arrangements	
Who are your key internal stakeholders in this consultation? Does your departmental consultation lead have a view on who needs to know about the consultation or made aware of progress? This may include: project teams, advisory groups, other corporate or departmental services involved in delivering the project, Governance Team and/or Communications Team. What will be the frequency or type of meeting?	
Member liaison arrangements	
Which County Council Members do you need to inform, consult and/or engage in this consultation (before, during, after)? Do district council or parish or town councils need to be made aware or consulted as part of this consultation (before, during, after)? If yes, how will this be done? How are you going to communicate the consultation to Members, particularly any Members whose divisions will be impacted, or are adjacent to, a specified geographical area?	
Stakeholders (who needs to be consulted)	
<ul style="list-style-type: none"> • Identify all stakeholders who are relevant to the consultation, along with groups of people they aim to represent • Identify who are the statutory stakeholders, including voluntary and community groups/associations • Has your <u>Equality Impact Assessment</u> identified any potential groups who may be adversely 	

impacted by the decision? If so, what types of activity are appropriate to promote the consultation, for example: do the relevant group of people to be consulted have ready access to a computer, or will face-to-face and/or individual engagement be required to help explain or access any written material?

- How do you intend to communicate the consultation to stakeholders? Speak to your Communications Team departmental service lead for more information

Other planned consultations

Is this consultation happening at the same time as other consultations? Check the [Notice of Key Decisions](#) and [Shaping Services for the Future](#) engagement schedules to see if other similarly themed consultations are taking place. If there is a similar planned consultation, could the consultations be joined?

Methodology (how the consultation will be carried out)

See further guidance for different methods of consulting stakeholders, or speak to your departmental consultation lead.

- What is the nature of the questions being asked and the people who need to be consulted?
- What are the appropriate methods of communication (see above)?
- State whether you have a preference and why, e.g. timescales required, objective of the consultation.
- Do the consultation outputs need to be comparable to existing data sets?
- Do the consultation outputs need to comply with funding or other statutory criteria?

Analysis required

Who will be undertaking the analysis of the results of the consultation and how long will be required between the end of consultation and publication of papers for decision? What is the complexity of the analysis required? You may prefer to discuss this with your departmental consultation lead.

Reporting to:
See [democratic decision-making processes](#) guidance on Hantsnet for more information

Executive Member(s) / Members	CMT	DMT	Public
Insert date of report deadline for Member decision	Insert date of meeting, if relevant and appropriate	Insert date of meeting, if relevant and appropriate	Insert the first date when information will be made public about the consultation findings

Outputs

List here what you think will be produced before, during and after a consultation. This might include: methodology, sample reports, presentation of findings, headline results, interim report, draft report, written summary report, technical appendix, full report, copies of video/digital recording, and transcripts.

Please note a summary of the consultation findings should be published online within 12 weeks of the consultation closing. If this is not possible then a statement should be provided next on the 'closed consultation' entry on Hantsweb stating why there has been a delay and when the results are anticipated.