

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	Policy and Resources Select Committee
<b>Date:</b>	21 April 2016
<b>Title:</b>	Consultation update
<b>Reference:</b>	7472
<b>Report From:</b>	Assistant Chief Executive

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#### 1. Introduction

1.1. The purpose of this report is to update the Select Committee on the County Council's consultation policy.<sup>1</sup> The report also provides information on changes to governance of support arrangements for the County Council's consultation activity.

#### 2. Contextual Information

2.1. In 2014, a Task and Finish Group of Select Committee Members worked with officers to develop a draft consultation policy. The policy was approved by the Select Committee in July 2014 and then by Cabinet in February 2015. The policy forms part of the County Council's corporate governance framework and provides guidance on undertaking consultations in accordance with five key principles:

- To consult on key issues and proposals
- To consult in good time
- To be inclusive but within clear and appropriate limits
- To consult using clear, simple information, and
- To ensure responses are taken into account when decisions are made.

2.2. In 2014, the Supreme Court made a ruling against the London Borough of Haringey in what has become known as the 'Moseley' case. The Judgement ruled that a consultation undertaken by Haringey on changes to a Council Tax benefit scheme were unfair and unlawful: Haringey failed to outline alternative options available and the reasons for rejecting those options in their

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<sup>1</sup> <http://goo.gl/yShoJc>

consultation document. Since this ruling, the risks to the County Council associated with not complying with legal obligations around consultation have increased.

- 2.3. As funding for public services continues to reduce and councils are making increasingly tough choices about service provision, it is becoming more common for local authority decisions to be challenged through Judicial Review on the basis that consultation activity and/or linked processes, such as equality impact assessments, are flawed. As of March 2016, the Consultation Institute was tracking 36 cases currently being considered in court which relate to public sector consultation activity.
- 2.4. During this time, the Government's Cabinet Office has also revised its approach to consultations twice, producing new guidance for civil servants<sup>2</sup>.

### **3. Principles of consultation**

- 3.1. The consultation policy and principles have had a positive impact on the development of approaches to consultation. Given case law developments, and guidelines on consulting at formative stages, the County Council published a large-scale spending review consultation in May 2015<sup>3</sup>. Just over 2,700 residents responded to this consultation and their views have been instrumental in supporting the County Council to make difficult decisions in a way that prioritises what matters most to local people. For example, the majority of respondents supported a financial strategy to increase the share of the Authority's Council Tax precept and the greater use of reserves. This approach was subsequently agreed by the County Council in February 2016.
- 3.2. Since the Spending Review consultation, the County Council has progressed to a second phase of consultations on proposals for changes to services under the *Transformation to 2017* programme.
- 3.3. Over the last year, consultations have been published in a timely fashion: providing adequate time to respond and sufficient information in order to make an informed response. The County Council has a central website for all consultations, bringing together all activity across the Authority<sup>4</sup>. Online and paper surveys have been developed, supported by a range of ongoing engagement activity with stakeholder groups. Response rates to consultations have significantly increased since the introduction of online surveys.
- 3.4. The County Council has also taken steps to publish the findings from consultation, and been clear about how feedback has been considered in making a decision about a service. A summary of consultation findings are included in relevant Executive Member decision reports. Where possible, information is also published on websites used by the County Council to promote the consultation, to ensure continuity for respondents.

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<sup>2</sup> The latest guidance was updated in January 2016 and is available via

<https://www.gov.uk/government/publications/consultation-principles-guidance>

<sup>3</sup> <http://www3.hants.gov.uk/budget/spendingreviewsurvey.htm>

<sup>4</sup> <http://consultations.hants.gov.uk/active.aspx>

#### **4. New governance arrangements**

- 4.1. Capacity to support consultations has previously been based in the Research and Intelligence Team in the Economy, Transport and Environment Department. A new centre of expertise is being developed, based in the corporate centre, within the Customer Engagement Service. The Service brings together a new Insight and Engagement function alongside Corporate Communications, Web, Hantsdirect, Marketing and Advertising and various existing and emerging customer channels, under a single leadership and governance structure, led by the Assistant Chief Executive. This will enable departments to access a more holistic support offer, including formal public consultation, to ensure that the views of customers are at the forefront of the County Council's business.
- 4.2. The consultation service will seek to understand departments' requirements for consultation, and support them to consult the public in the most effective, efficient and legally robust way. Priority focus will be given to supporting 'phase 2' *Transformation to 2017* programme consultation and engagement activity, as well as providing technical advice and support.

#### **5. Guidance and training**

- 5.1. The Select Committee endorsed the development of staff guidance to support consistency of practice across the County Council. This guidance was published on the intranet in February 2015, along with a toolkit, to support officers in upholding the policy's commitments.<sup>5</sup>
- 5.2. A programme of support for staff was developed to embed the policy across the County Council. Officers have worked with most relevant staff in departments to understand legal changes and raise awareness of the County Council's internal policy and processes. Communications have included Hantsnet news, and the development of a group on consultations on the internal staff network.
- 5.3. Staff engagement on consultations will remain a rolling, ongoing programme of activity. During 2016, there is the potential to provide further information and support to staff through lunchtime learning, more detailed thematic training sessions, and team briefings, where appropriate and relevant.

#### **6. Conclusions**

- 6.1. The policy and staff guidance developed by the Select Committee to support consistency of practice on consultative activity has had a significant impact on the work of the County Council since 2015. Officers will continue to support cost-effectiveness and high-quality consultations, taking into account legal requirements, equality considerations and commitments made by the County Council.

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<sup>5</sup> Internal website; permitted access only:

<http://intranet.hants.gov.uk/corporatecommunications/public-comms/consultations.htm>

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	Yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	Yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	Yes
Corporate Improvement plan link number (if appropriate):	
<b>OR</b>	
<b>This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:</b> N/a	

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Consultation Policy, Cabinet	6094	6/2/2015
Consultation Working Group Outcome, Policy and Resources Select Committee	6009	24/7/2014
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>	<u>Date</u>	
Civil Service consultation principles: <a href="https://www.gov.uk/government/publications/consultation-principles-guidance">https://www.gov.uk/government/publications/consultation-principles-guidance</a>	Updated January 2016	

**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.)

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

Equality considerations, in line with the Council's corporate equality objectives and statutory obligations, are a key feature of the consultation policy and 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?  
None.
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?  
None.