

**Report to: Finance and Performance
Management Scrutiny Panel**

Date of Meeting: 19 June 2012



Portfolio: Support Services

Subject: Consultation Plan 2012/13 and Register 2011/12

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Recommendations/Decisions Required:

That the Consultation Plan for 2012/13 setting out those issues on which public consultation is to be undertaken during the municipal year and those consultation exercises completed during 2011/12, be noted.

Background

New Draft Best Value Guidance on Consultation

1. The duty to involve was repealed by the Coalition Government in 2011. This duty provided that local authorities sought to ensure local people had greater opportunities to influence decision making and provided for consultation and involvement of representatives of local people across all council functions. In its stead, the Government introduced minimal, light touch Best Value statutory guidance.

2. The general duty of Best Value is provided for under Section 3 of the Local Government Act 1999, as amended by s137 of the Local Government and Public Involvement in Health Act 2007 and will remain. For ease of reference the relevant provisions are replicated below:

The general duty:

A best value authority must 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.

For the purpose of deciding how to fulfil the duty arising under subsection (1) an authority must consult—

- (a) representatives of persons liable to pay any tax, precept or levy to or in respect of the authority,
- (b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions,
- (c) representatives of persons who use or are likely to use services provided by the authority, and

(d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions.

For the purposes of subsection (2) “representatives” in relation to a group of persons means persons who appear to the authority to be representative of that group.

In deciding on:

- (a) the persons to be consulted, and
- (b) the form, content and timing of consultations, an authority must have regard to any guidance issued by the Secretary of State.

3. The Department for Communities and Local Government also give guidance that Best Value authorities are under a duty of Best Value to:-

- Make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- Consider overall value, including environmental and social value, when reviewing service provision.
- Achieve the right balance and before deciding how to fulfil their Best Value duty, authorities are required to consult a wide range of local persons, including local voluntary and community organisations and businesses. This should apply at all stages of the commissioning cycle, including when considering decommissioning services.
- Be sensitive to the benefits and needs of voluntary and community sector organisations (honouring the commitments set out in local Compacts) and small businesses. These aspects are taken into consideration by the judiciary when litigation has been brought. Authorities should seek to avoid passing on disproportionate cuts and in particular:
 - An authority intending to reduce or end funding or other support to a voluntary and community organisation that will materially threaten the viability of the organisation or the service it provides should give at least three months' notice to both the organisation involved and the public/service users.
 - An authority should actively engage the organisation as early as possible on: the future of the service; any knock-on effect on assets used to provide this service; and the wider impact both on service users and the local community.
 - Authorities should make provision for the organisation or wider community to put forward options on how to reshape the service or project. Local authorities should assist this by making available all appropriate information, in line with the Transparency Code of Practice.5 April 2011.*

**The Transparency Code of Practice states that consultation must be held when proposals are still at the formative stage. Sufficient reasons must be published for proposals to permit 'intelligent consideration' and there must be adequate time for consideration and response, which must be conscientiously taken into account.*

Public Consultation Plan and Register

4. In order to meet the general duty and traditionally to follow best practice, every year a list of all consultation planned and carried out by the Council is published on the website and brought to the attention of the Finance and Performance Management Scrutiny Panel.

5. All consultation and engagement exercises undertaken by and on behalf of the Council are required to comply with the provisions of the Council's Public Consultation and Engagement Strategy.

6. As part of the Public Consultation and Engagement Strategy, a Consultation Plan was developed and has been included in the Council's annual business planning process from 2006/07 onwards. This is in order to focus consultation and engagement on priorities and operational issues to be faced in the coming year.

7. The Consultation Plan for 2012/13 is attached as Appendix 1 to this report and sets out the issues on which individual services will be consulting or engaging residents or customers during the year. The Consultation Plan sets out the overall objective for each consultation exercise, how each exercise will be undertaken and the methods used and target groups consulted.

8. In establishing this approach, it has been recognised that the need for some consultation exercises will arise subsequent to the publication of the Plan. It should also be noted that regular ongoing satisfaction surveys such as housing report cards, or consultation carried out in relation to planning applications, will not be included within the Consultation Plan. A list of planned consultation exercises is also published on the Council's website.

9. The Consultation Register incorporates the results of consultation exercises undertaken during the preceding 12 months and gives summary as to the purpose, the start and finish dates, the service area carrying out the surveys, where the results were published and some key findings. A column has been added which notes whether the consultation is either statutory or discretionary.

Community Engagement and Involvement

10. The Council carries out a wide range of community engagement and involvement activity. There were over 18 surveys carried out in 2011/12 and a further eight were planned so far for 2012/13.

11. Amongst the larger recent and current surveys carried out by the Council are the St John's Road Development, the Strategic Housing Land Availability Assessment Draft Methodology (SHLAA) and the Private Sector House Condition Survey. Smaller consultation exercises were targeted at specific groups and projects such as the Taxi License Conditions Survey and Taxi Rank and Taxi Meters Consultation. A further district-wide customer satisfaction survey with Waste and Recycling and an opinion survey of Car Parking Charges are being planned for the Summer and Autumn plus continuing consultation on the Annual Tenants Survey. Fourteen of these surveys had an interactive/online element within the consultation along with a paper-based response.

12. A list of these surveys can be seen in Appendices 1 and 2 and can also be found on the Council's website along with the start and finish dates and reports on their findings, where possible.

Internal Consultation

13. Human Resources, in the last year carried out an 'Employee' survey, a 'Skills for Change' survey and a 'Managers' survey (HR Satisfaction Survey). Although these are not public engagement surveys, they are service specific and help to plan and improve services and inform Human Resource Management of trends in opinion.

Cost

14. The costs for most of the consultation carried out last year were for postage and were kept low and within current budgets as they were mainly carried out in-house. The larger consultations such as the Private Sector House Condition Survey and St John's Road Development were supported by external consultants. An analysis of the results of this survey is still being worked on by consultants *Urban Practitioners*.

Council Tax Survey

15. Under the existing system local authorities are responsible for Council Tax rates and collection, but do not control the policy on Council Tax benefit, which is run centrally from Whitehall. There are plans to put councils in charge of providing financial support for Council Tax. Ministers are proposing to bring all aspects of the Council Tax system together at local level.

16. The Council will consult Council Tax Benefits claimants this summer as there is a statutory commitment to consult in relation to these changes. Pensioners will be protected against any reduction in support and the consultation will consider how best to protect other vulnerable groups.

17. A group of District Councils in the County are currently working on a strategy to deliver these changes and will report these findings in the Autumn.

Resource Implications: None

Budget/Personnel/Land: None

Council Plan Reference: Corporate Plan Medium Term Aims 2011/12 to 2014/15

Relevant Statutory Powers: Local Government Act 1999 (Best Value), Section 3, amended by s137 of the Local Government and Public Involvement in Health Act 2007.

Background papers: Public Consultation Policy and Strategy

Environment/Human Rights Act/Crime and Disorder Act Implications: None

Key Decision Reference: (if required) None