

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



Date of Meeting: 16 July 2014

Portfolio: Governance and Performance Management

Subject: Consultation Plan and Register 2014/2015

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Recommendations/Decisions Required:

That the Consultation Plan/Register for 2014/15 setting out those issues on which public consultation is to be undertaken during the municipal year and those consultation exercises completed during 2013/14, be noted.

Background

Consultation is governed by statute and remains under The General Duty of Best Value 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. The relevant section of this Act states the following:

An authority must;

- 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. 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

1. In order to meet the general duty and traditionally to follow best practice, every year a list of 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.
2. 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.
3. As part of the Public Consultation and Engagement Strategy, a Consultation Register was developed and has been included in the Council's annual business planning process from 2006/07 onwards. It sets out the issues on which individual services will be consulting or engaging residents or customers during the year.
4. 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. It also shows a summary of the consultation being planned for the next 12 months.
5. The Consultation Register sets out the overall objective for each consultation exercise, how each exercise will be undertaken, the methods used and groups consulted. This is in order to focus consultation and engagement on priorities and operational issues to be faced in the coming year.
6. In establishing this approach, it has been recognised that the need for some consultation exercises will arise subsequent to the publication of the Register. 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; nor any estate management consultation (e.g., tree regeneration or refuse proposals in a specific estate). A list of planned consultation exercises is also published on the Council's website.
7. The Consultation Register for 2013/14 is attached as Appendix 1 to this report.

Community Engagement and Involvement

8. The Council carries out a wide range of community engagement and involvement activity. There were over 9 surveys carried out in 2013/14 and a further 3 are planned so far for 2014/15. A total of 42% statutory and 58% discretionary surveys were/are being carried out.
9. Amongst the larger surveys being carried out by the Council over the summer months are the following:
 - *Car Parking Review* for both users and Business's,
 - *Review of Standard Tenancy Agreement*,
 - *Tenant Census*,

- *Introduction to Annual Site Licence Fee for Permanent Residential Park Homes,*
- *Customer and Members Consultation* (Christmas and New Year working arrangements).

Other consultation exercises were targeted at specific groups and projects such as *HealthWorks*, which surveyed school children in Harlow, funded by a Harlow Health Centres. Further district-wide *Community Safety Survey* is being planned for the summer and autumn and a *Local Plan Preferred Options* consultation is also due in December 2014.

10. Five of these surveys had an interactive/online element within the consultation.

Internal Consultation

11. Human Resources, in the last year carried out a *Pilot Personal Development Review* which was based on Behaviours and Values, and a *Customer and Members Survey* relating to Christmas and New Year working arrangements. 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

12. All consultation has a cost whether in officer time, postage or information materials. The majority of public consultation was carried out in-house and costs were kept low and within current budgets and account for postage, staff time and materials only. The total cost of consultation for the surveys registered was £111,600. £90,000 of this is related to the estimated cost of the *Local Plan Preferred Options* consultation due in December 2014 and £15,000 for the Review of the Standard Tenancy Agreement.

Consultation Data Protection

13. As more consultation is undertaken in-house, it is reasonable to assume that more personal and or sensitive* information is being sought by Council officers. Market research processes can lead to issues relating to data protection, storage and sharing of personal or sensitive information. It is important therefore, that the Council, in conjunction with its Data Protection Policy, includes data obtained during public engagement.
14. The Market Research Society and Government Social Research Unit give best practice and guidance for market researchers which details ethical responsibilities, assessing and managing risk and sanctions and redress based upon core principals
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or other purposes.
 - Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
15. The identity of, and data belonging to, participants and potential participants (including information about the decision whether or not to participate) should be

protected throughout the research process – including respondent recruitment, data collection, data storage, analysis and reporting. Even if research participants are not concerned about data disclosure, researchers should uphold principles of confidentiality and data protection and maintain the security of personal data and participants' anonymity (e.g. by ensuring that participants are not identified or identifiable in the outputs of research).

16. Clear and transparent procedures should be developed to protect the identities of those who are identified through third parties (e.g. sampling from administrative records). Participant's names and addresses should be kept secure and separate from their responses to help reduce the likelihood of breaches of security and anonymity.
17. Individual staff responsible for conducting or managing social research for local government must ensure they are aware of their ethical responsibilities, and those commissioning research need to ensure that the potential ethical issues presented by a project are assessed at the outset. Appropriate arrangements for ethical scrutiny must be in place and that the organisation undertaking the research must have appropriate arrangements in place to ensure the day-to-day management of these risks. Those conducting research (including secondary analysis) must additionally ensure they comply with the Council's arrangement for management and quality assurance. It is important that personal and sensitive information gathered by officers is secure and protected from fraud or inadvertent disclosure. This also applies to commissioning external researchers. All storage or archived information (including all information stored digitally), must be destroyed securely after the results are reported and not used for any other purposes or consultation.

*Sensitive data: this is defined as personal information covering the racial or ethnic origin of the data subject; his/her political opinions; his/her religious beliefs of a similar nature; whether he/she is a member of a trade union (as defined within the Trade Union and Labour Relations (Consolidation) Act 1992); his/her physical or mental health or condition; his/her sexual life; the commission or alleged commission by him/her of an offence or any proceedings for an offence committed and the outcome. In the conditions for processing sensitive data the Action also mentions "Explicit Consent" as one of the conditions. This means that the consent must be absolutely clear and based on a detailed explanation of how the data will be used and any disclosures, as appropriate. The data subject must have positively consented to provide their personal data. However, if the data is being collected for the sole purpose of research (as defined in the Act, and the MRS code), then the requirements are to ensure respondents have a very clear understanding of how their data will be used before consenting to be interviewed, and they know they have the right to withdraw this consent at any point in the interview.

Resource Implications: £111,600

Budget/Personnel/Land: None

Council Plan Reference: Corporate Plan Medium Term Aims MT03 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

Epping Forest District Council Public Consultation Plan 2014 to 2015

Planned - Registered	Subject Matter/Issues or Title	Start and Finish Dates (estimated)	Who is commissioning Survey	Overview/Objectives and How were/will the results be used?	Method and Target Group/s	Where will the results be viewed?
0813/CS	Council Tenant Survey (Tenant Census)	Aug to Dec 2014	Director of Communities	A survey of all Council Tenants in order to update their contact details and gather information on the household.	A survey form was sent to every council property. A reminder and duplicate forms were sent to tenants who did not respond to the first mailing, through Housing News.	The final published Secure Tenancy Agreement can be viewed online. The link is: www.eppingforestdc.gov.uk/index.php/residents/your-home/council-tenants/housing-management
1013/KC	HealthWorks	Dec to Jan 2013/14	Director of Communities	HealthWorks Harlow is a new initiative shared jointly with HC and the consultation will inform decisions taken on provision of service and to recruit a young person's planning group.	12 to 18 year old school pupils in senior schools in Harlow via online and hard copy questionnaires.	Results available from Leisure and Health Development Service.
1113/KT	Scrap Metal Policy Consultation	Nov 2013 to January 2014	Director of Communities	To inform the public and other statutory bodies of the new scrap metal legislation.	An invitation to comment to consultees and groups with an interest in scrap metal.	Licensing Panel in April 2014.
1113/RW	Preliminary Notice – Variation of the Terms of Secure Tenancy	Nov to Dec 2013	Director of Communities	Review of the Standard Tenancy Agreement consultation on a proposed variation of the Secure Tenancy Agreement.	Every tenant and joint tenant has been sent full details of the proposed changes and their effect, along with a draft copy of the new agreement and details on how to respond.	We explained the changes to the Tenancy Conditions and varied all Secure Tenants Conditions of Tenancy.  Cabinet Tenancy Variation Feb 14 FINAL
1213/CB	Chigwell Parish Local Area Plan	Dec 2013 to Feb 2014	Director of Neighbourhoods	Chigwell Parish Council has submitted an application to prepare a neighbourhood plan for their area. The Council must consult on the proposed geographical area to be covered by the Neighbourhood Plan.	There was a general public invitation on the Councils website to comment.	Once designated, Chigwell Parish Council may proceed with the preparation of a Neighbourhood Plan. The results of the Chigwell Neighbourhood Plan went to Cabinet on 3 March 2014.
P0214SD	Introduction to Annual Site Licence Fee for Permanent Residential Park Home	23 May 13 June 2014	Director of Communities	The new Mobile Homes Act 2013 allows Council's to charge for their park home site licencing functions in respect of new site licence applications, applications to amend or vary site licences and also to charge an annual licence fee for existing sites.	We want to consult with site owners and home owners on our existing park home sites. Gypsy Roma and Traveller families on mobile home sites, Essex Fire and Rescue Service, HSE, Environment Agency.	The proposed standard licence conditions will be on the Council website.

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P0514/DO	Car Parking Review Survey 2014	30 May to 31 July 2014	Director of Neighbourhoods	The Council is looking at a number of principles, including the provision and availability of short stay parking for up to five hours, the tariff structure, different tariffs for different locations, the continuation of limited free parking on Saturdays within each town centre. The Council's existing Parking Strategy was adopted by Cabinet in November 2004. The Management Board meeting was held on 18 September 2013.	The survey is available online at www.eppingforestdc.gov.uk and is online until Thursday 31st July 2014. We are encouraging as many people to take part as possible. Residents, Businesses, Local Town Partnerships, users of car parks. We are also using Alpha Parking for car parks interviews.	The link for the parking strategy/survey is http://www.eppingforestdc.gov.uk/news/2014/05/car-parkssurvey-win-100-for-filling-it-in/ An advertisement with regards the parking survey has been published in the local Forester.
P0514/CB	Theydon Bois Neighbourhood Plan Area consultation	27 May to 8 July 2014	Director of Neighbourhoods	Theydon Bois Parish Council has submitted an application to do a Neighbourhood Plan. Following receipt of the application the District Council must consult on the proposed area to be covered by the Plan, in this case the entire Parish of Theydon Bois.	All members of the public in Theydon Bois Parish and neighbouring parishes. Also developers who may wish to promote sites for development through the Neighbourhood Plan. Comments by email to ldfconsult@eppingforestdc.gov.uk or by post to Planning Policy,	Following the consultation, Cabinet will be asked to agree the neighbourhood area. The Parish Council can then progress with the preparation of the plan itself.
0614/JD	Values and Behaviours PDR Consultation 2014	23 May to 13 June 2014	Director of Neighbourhoods	Management Board are reviewing the results of the Values and Behaviours Personal Development Reviews and monitoring the otherwise success or failure of the new reviews and how they impact on staff. Feedback from staff is important and will be taken into account to amend or modify the scheme if necessary or implement further changes.	A link to an email was sent to all relevant staff in grades 8 and above.	July 2014 Management Board
July 2014	Customer and Members Consultation 2014	28 June to 17 August 2014	Director of Neighbourhoods	Cabinet has requested that Members and Customers are given the opportunity to state their views on accessing Council services over the Christmas/New Year period.	An online link to the surveys in The Forester and on the website and distributed via email and hard copy questionnaires.	Report will be submitted to the Joint Consultative Committee by 1 November 2014.
July 2014	Crime & Disorder Public Perception Survey	14 July to 15 August 2014	Director of Neighbourhoods	The Survey forms part of the CSP Strategic Assessment which lists our priorities for the forthcoming year. Coupled with this we develop a Partnership Plan to address those	We will try and engage public from all areas using online questionnaire or a paper based version for those unable to obtain web access. We will try and	December Cabinet Meeting.

Epping Forest District Council Public Consultation Plan 2014 to 2015

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				<p>priorities identified in the Strategic Assessment. This is then ratified by Safer, Cleaner, Greener Overview and Scrutiny and also the CSP Strategy Panel. Working as lead agency of the Community Safety Partnership we will carry out consultation with the local community to identify perceptions of crime and disorder in the Epping Forest District. We will also try and identify any concerns around the efficiency of public services.</p>	<p>engage Neighbourhood Watch, email families, Town and Parish Councils, community groups, youth groups etc.</p>	
December 2014	Local Plan Preferred Options consultation	Dec 2014 to Mar 2015	Director of Neighbourhoods	<p>The Local Plan sets out the growth strategy for the District over the next 20 years. An initial consultation held in 2012 identified possible options for development. The Preferred Options is the next stage and will set out the sites and policies that the Council think are most appropriate taking into account previous consultation responses and the evidence base.</p>	<p>All residents consulting on Housing, employment, leisure, open space, environment, Green Belt, town centres.</p>	<p>To be confirmed closer to the start of the consultation.</p>