

Report for: Cabinet

Date of Meeting:	19 January 2023
Subject:	Consultation Standards
Key Decision:	No
Responsible Officer:	Alex Dewsnap - Acting Corporate Director of Resources
Portfolio Holder:	Councillor Stephen Greek - Portfolio Holder for Performance, Communications and Customer Experience; Cllr Jean Lammiman - Portfolio Holder for Community and Culture
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All wards
Enclosures:	None

Section 1 – Summary and Recommendations

The Council Cabinet approved a set of Consultation Standards in June 2015. This report sets out a refresh of these standards and their implementation across the Council in line with the priority *A Council that Puts Residents First* and improving the overall customer experience with the Council. The report also sets out the refresh of the governance arrangements for managing consultations and Cabinet is asked to endorse this approach. Although there is an overlap between consultation and engagement, this report is specifically aimed at improving how the Council runs and delivers its consultations, although the standards set out also relate to how the Council should carry out its engagement activity.

Recommendations:

Cabinet is requested to:

1. Approve the Consultation Standards set out in paragraph 3.17 and that all Portfolio Holders and Directors will ensure that consultations in their respective areas meet these standards before they go into the public domain, with the Head of Communications having corporate oversight of consultations and standards;
2. Endorse the governance approach for the management of consultations outlined in section 3; and
3. Agree that the Portfolio Holder for Performance, Communications and Customer Experience and Portfolio Holder for Community and Culture should be informed and are able to comment ahead of all major consultations across the Council.

Reason (for recommendations): The Council has set out the importance of consultation and engagement with residents and communities. This report sets out an approach to improve the quality and consistency of Council consultations so that residents feel they can have greater influence over what happens in their local area and supports the vision of Putting Pride Back in Harrow.

Section 2 – Report

1. Introductory paragraph

- 1.1 Cabinet approved a set of Consultation Standards in June 2015. This report sets out a refresh of these standards and the governance arrangements for managing consultations - Cabinet is asked to endorse this approach.

- 1.2 The Council last approved a set of consultation standards in 2015, and although many of these still have some relevance, it is appropriate and pertinent that the Council revisits and re-evaluates its standards and agrees an updated set.
- 1.3 In developing these standards, the Council has considered best practice nationally, as well as its own examples of good and effective consultation and engagement and legal requirements for statutory consultation.
- 1.4 For the purpose of applying this set of Consultation Standards, consultation is defined as the Council formally seeking views from service users, These standards should complement our statutory requirements to consult and not conflict or take precedence over them - statutory elements of any consultation should take precedent. They will only apply to the council's own consultations and not where for example the LPA is consulting on other applicants matters.

Options considered

- 1.5 The Council could choose not to agree a set of consultation standards and allow a less co-ordinated and less joined up approach to the delivery of consultation across the organisation. This would mean inconsistency and differing quality in consultations across the council at the detriment to the public. Given the Council's clear vision and priorities around Putting Pride Back in Harrow and being a Council that Puts Residents First, there is a strong case for reviewing and re-setting the Consultation Standards, as well as the governance for ensuring they are consistently applied across the Council.

2 Background

- 2.1 The Council has set out areas of improvement in the way the Council consults and engages with residents. This is mostly about improving the consistency of approach and bringing those areas of the Council where the approach is not consistent up to the standards being delivered elsewhere. Therefore, in agreeing a set of standards, this will support the Council in delivering against this ambition. The Council wishes to improve consultation activity by:
 - a) Introducing mechanisms for respondents of consultations to register for updates about current and/or future consultations, in areas that interest them.
 - b) Reporting the outcome of a consultation publicly and to those who have responded to it, showing how the results have influenced the outcome.

- c) Investigate the scope of consultations ensuring that relevant members and groups within the community are engaged with and where possible, in-person meetings are held as part of the consultation process in locations suitable/ close to the area the decision affects.
- d) Develop a timetable of consultations taking place across the organisation with the Communications Team being the central point within the council having oversight to ensure consistency of standards and that appropriate customer experience is guaranteed.

Current situation

- 2.2 The Council carries out many consultations each year – they can be hyper-local around parking zones, planning, licensing, and traffic changes, or larger consultations affecting services across the borough, the budget, biodiversity, housing allocation and leisure facilities for example. In each of these consultations the Council always meets its statutory obligations, but we have an opportunity to make a difference to residents and communities by delivering consultations that go beyond the statutory minimum and truly give people the opportunity to shape decisions - thereby improving the customer experience and delivering meaningful consultation.

Why change is needed

- 2.3 With the renewed emphasis on the importance of consultation from the Council, it is important to review the consultation standards and refresh them for today. These new standards will reaffirm to residents and staff this renewed want for effective consultation. The Council does not have a consistent sign off process for consultation and engagement - by agreeing to these standards, the governance put forward will improve the quality and coordination of consultations and residents should see a marked improvement in how they are consulted and engaged on key decisions affecting them. The Head of Communications will work with Directorates and Directors to oversee the quality of consultations and that the standards are adhered to. The Portfolio Holder for Performance, Communications and Customer Experience and Portfolio Holder for Community and Culture will act as champions for the quality of Council consultations (excluding statutory consultation requirements, for example for example planning or licensing applications).

3 Implications of the Recommendation

- 3.1 In this section, each of the four areas outlined in paragraph 2.1 above are set out with the current work being undertaken to deliver against each of them.

The council will ensure mechanisms are available and utilised to enable respondents of all consultations to register for updates about current and/or future consultations, in areas that interest them.

- 3.2 As online contact continues to increase and technology develops, there is an opportunity to target consultations at residents who have expressed an interest in certain areas of Council delivery/policy.
- 3.3 Our online consultation and engagement platform provides responders with the option to register for updates thereby improving the feedback cycle. The site also includes a news feed where updates about the consultation can be posted.

The council will report the outcome of a consultation publicly and to those who have responded, so residents feel listened to and informed – making use of available technology to deliver upon this

- 3.4 All outcomes of our consultations need to be reported back to those that take the time to let us know their thoughts and to update them on how we have taken account of their views.
- 3.5 Ensuring updates are provided about the outcomes of consultation has now been incorporated into the consultation standards. This is made easier with online consultation and engagement systems providing an opt in to receive alerts for specific consultations or topics. Details of how this can be achieved will be included in the guidance produced for staff.
- 3.6 No one standalone way to feedback will work in all cases and so where necessary, feedback may also be shared via email or letter.

The Council is to investigate the scope of consultations ensuring that relevant members and groups within the community are engaged with and where possible, in-person meetings are held as part of the consultation process in locations suitable/ close to the area the decision affects.

- 3.7 Where there is a clear rationale to do so, consultations should be targeted locally and geographically, and therefore this should be adopted as one of the standards. There are already examples of where we do this through such areas as licensing, traffic and planning.
- 3.8 Where the consultation is around planning, the consultation activity should comply with the Statement of Community Involvement.
- 3.9 The MyHarrow account allows us to send targeted e-communications to residents with MyHarrow accounts within specific postcodes/ addresses.
- 3.10 During the pandemic, many consultations moved online – this has had many benefits and was vital in ensuring consultation continued during times of social distancing. However, in-person engagement plays an

important role in gathering people's feedback about issues that impact them in the area affected. We will therefore, where possible, look to include in-person meetings in the local community as part of the consultation process. No one can explain a proposal or answer technical questions better than the professional officer who has designed it. The expectation therefore is for Officers to lead on these events, apart from those consultations where the Portfolio Holder or local ward councillors should be involved. There are already examples of where we do this through such areas as licensing, traffic and larger planning consultations.

- 3.11 Where there are specific groups within the community known to have low engagement levels who may not access consultations online, we will look to engage the hard-to-reach groups, by using tailored outreach activities to ensure feedback is proactively sought.

Develop a timetable of planned consultations taking place across the organisation with a central point within the council having oversight, to ensure consistency of standards and that appropriate customer experience is guaranteed.

- 3.12 At any one time there are a significant number of consultations being carried out in the borough, from hyper-localised planning or controlled parking zones to major consultations on specific services or strategies.
- 3.13 A list of key consultations is maintained by the Communications Team, known as the Consultation Tracker, to support the oversight and planning of major consultations. The tracker will be expanded to include all consultations that take place across the borough and to ensure the standards are applied consistently to consultations.
- 3.14 Staff conducting consultation will be required to review the tracker on a regular basis and add any new consultations as they arise. As a new consultation is being planned, staff will be required to carry out stakeholder analysis to identify any new and/or existing community or interested groups or individuals, including those who are hard to reach, who need to be consulted or have an interest in the area being consulted upon. This information will be included in the staff guidance being developed.
- 3.15 Guidance will be developed which will advise on tone, narrative and whether corporate branding and agreed standards are being met, but it is important that there is also advice and support offered within such a model. One of the reasons behind the wish to create a central point of oversight is that the consistency in how the Council currently delivers consultation, needs improving. However, the way to achieve this is not through a single point in the organisation, as services need to retain ownership and responsibility.
- 3.16 The Communications Team will manage the consultation tracker and will work with Directorates to ensure the tracker is updated.

- 3.17 Overall governance of the consultation standards will be owned by the Head of Communications. The responsibility for consultation quality and consistency will still rest with the Directorates responsible for the service, project or proposal being consulted upon, working closely with the Communications Team.
- 3.18 Guidance will be developed and communicated to the organisation about the standards to:
- Ensure the Consultation Standards are delivered across all the areas of the Council.
 - Create a set of skilled officers across the Council who can support and own the consultation process to help deliver a consistent standard.
 - Give clarity on roles for delivering the above.
 - Disseminate good practice and the difference that improvements in this approach have made; and
 - Manage the programme of consultations.
- 3.19 The consultation tracker will be shared monthly with the Portfolio Holder for Performance, Communications and Customer Experience and Portfolio Holder for Culture and Community Engagement to have oversight of the current and upcoming consultation taking place. This list will also be published on the Council intranet.

A set of Consultation Standards

- 3.20 Throughout all consultations it is important to understand what the resident experience is, and to make sure that they have access to consultations and the right opportunity to air their voice. This is not just about design and 'look and feel' but delivery. We want to listen and learn from our residents, businesses, and local community groups before we make decisions – the new consultation standards will allow us to do this:
- a. **We will be open and transparent**, making the level of influence participants has clear, and explaining any constraints, such as resources or legal requirements
 - b. **We will clearly communicate** using Plain English instead of acronyms and business jargon, and by explaining the issues as clearly as possible.
 - c. **We will be visible and accessible** providing a range of opportunities to get involved, making it as easy as possible for our diverse communities to have their say. We will promote our consultations using a range of channels.
 - d. **We will involve local Councillors**, making sure they are aware of consultation activities
 - e. **We will be coordinated and organised**, joining-up consultation activities where it makes sense to do so and ensure we have clear plans to undertake consultation effectively.

- f. **We will allow appropriate timescales** giving people sufficient time to respond and ensure we have enough time to digest and properly consider responses when making decisions.
- g. **We will be flexible**, responding where possible to any changing needs of consultees and the organisation during a consultation.
- h. **We will strive for continuous improvement and make a difference** by taking steps to quality control consultation, evaluate success, and analyse and consider all feedback received.
- i. **We will share results** and explain how feedback has been considered.

3.21 If applied successfully these standards will help to support a consistent experience from all Council consultations. A Consultation toolkit will be developed and be made available on the intranet to support staff when planning consultations. This will be cascaded through engagement with relevant teams and publicised with internal communications.

Where a consultation does not meet these standards, it will not be allowed to launch. Where this is the case, support will be offered by the Communications Team to make the necessary improvements so that the consultation is of a good enough quality to be launched. To minimise the risk of this, Directorates will need to ensure that all future consultations are on the overall list of future consultations with a clear indication of objectives, target audience and methodology. Ensuring that the list is up to date will be the responsibility of each Directorate. The standards will not take precedence over such statutory requirements, for example planning or licensing applications. However, these standards should complement our statutory requirements to consult and not conflict with them. Where there is any conflict the statutory elements of any consultation should take precedent.

3.22 Although not a specific principle the Council should try to adopt a digital by default approach, although in doing so it will be important to enable residents and communities to access this. We should therefore be mindful when digital may not enable full access and as such retain other channels to ensure that we maximise engagement levels in all our consultations.

Ward Councillors' comments

3.23 There are none specific to this report.

4. Performance Issues

4.1 The Council will continue to track how engaged residents feel and what influence they feel they have on Council decisions and decision that affect their area. In July 2019, 24% of residents agreed that they could influence decisions affecting their local area, with 50% disagreeing that

they could. Previous trends in how involved and empowered residents are in shaping Council decisions has also been low, with 21% of residents feeling they could influence local decisions in 2017. The Council aspires to improve the percentage of residents who feel they can influence local decisions to over 50%.

4.2 The Council will also monitor the application of the Consultation Standards through the Performance Boards.

Environmental Implications

5.1 There are no environmental implications as a result of this report.

Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below.
n/a

The following key risks should be considered when agreeing the recommendations in this report:

Risk description	Mitigations	RAG status
Services are non-compliant with the consultation standards	<p>A toolkit will be available to staff, advising them of the requirements for when consultations must be added to the tracker and the standards expected. It will cover how to run effective and meaningful consultations for example giving advice on when in the process a consultation should be planned and how long it is open for (depending on the subject and the number of people impacted by the decision), who to consult and how, and what to consider when developing the options and questions. This guidance will encourage people to contact the Communications Team where they have questions or are uncertain of the requirements for their consultation.</p> <p>Directors have overall responsibility for ensuring relevant and appropriate consultation takes place within their</p>	Amber

	<p>Directorates and that adequate time is factored into the process.</p> <p>The consultation tracker will enable the Head of Communications to identify where consultations do not meet the required standards for length of time or methods of consultation for example.</p> <p>Communications will work with the relevant service to inform Portfolio Holders and the service change paused until appropriate consultation is carried out in partnership with the Communications Team. However, this is not possible where consultations are not listed on the tracker. This is where it falls within the responsibility of Directors to ensure consultations standards are being observed and applied.</p>	
<p>Services do not have enough experience of running an effective consultation</p>	<p>A consultation toolkit will be available to help services through the process.</p> <p>The toolkit will be promoted to staff alongside the new consultation standards.</p> <p>The Communications Team can support and advise on consultations. Details of who to contact will be available in the toolkit.</p>	<p>Amber</p>
<p>Services have not allocated budget for consultation</p>	<p>Consultations will be run digitally with minimal to zero cost, face to face consultation will involve officer time to answer questions and helping people fill in online. Where possible council venues will be used to reduce costs and where printed materials are needed, we will look to produce these in-house/at a low cost.</p> <p>Planning the consultation in advance and early engagement/involvement of the Communications Team will allow the requirements of the consultation to be considered and action taken where possible to reduce the cost implications and/or advise given on next steps.</p>	<p>Amber</p>

Satisfaction ratings do not improve	<p>Consultation standards around feedback will ensure residents understand why service changes have been necessary and what the results show.</p> <p>The standards will ensure residents have been involved and informed, however satisfaction will be dependent on what the service change means to them.</p>	Amber
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Procurement Implications

There are no procurement implications as a result of this report.

Legal Implications

7.1 As a matter of public law the duty to consult with regards to proposals to vary, reduce or withdraw services will arise in 4 circumstances:

- Where there is a statutory requirement in the relevant legislative framework;
- Where the practice has been to consult or where a policy document states the council will consult then the council must comply with its own practice or policy;
- Exceptionally, where the matter is so important that there is a legitimate expectation of consultation and;
- Where consultation is required to complete an equalities impact assessment.

7.2 Regardless of whether the council has a duty to consult, if it chooses to consult, such consultation must be carried out fairly. In general, a consultation can only be considered as proper consultation if:

- Comments are genuinely invited at the formative stage;
- The consultation documents include sufficient reasons for the proposal to allow those being consulted to be properly informed and to give an informed response;
- There is adequate time given to the consultees to consider the proposals;
- There is a mechanism for feeding back the comments and those comments are conscientiously taken into account by the decision maker / decision making body when making a final decision;
- The degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting and;
- The consultation is clear on the reasons and extent to which alternatives and discarded options have been discarded.

7.3 Consultation in some areas is statutory. Where this is the case, adoption of the standards is not expected to impact the Council's statutory responsibilities.

7.4 It needs to be recognised that not all consultations are the same, so the design of them needs to be flexible to allow for this. Consultations which are statutory and as a result may have less autonomy in their design will not be compromised by agreeing to this set of Consultation Standards.

Financial Implications

8.1 Where additional finances are required to deliver consultations, these will be indicated in implementation costs for any related savings proposals. All other consultations should be managed within existing budgets or if no funds are earmarked, resources must be contained within the existing budget envelope.

Equalities implications / Public Sector Equality Duty

9.1 Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. Consideration of the duties should precede the decision. It is important that Cabinet has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

- *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

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

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- *Tackle prejudice, and*
- *Promote understanding.*

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

The relevant protected characteristics are:

- *Age*
- *Disability*
- *Gender reassignment*
- *Pregnancy and maternity*
- *Race*
- *Religion or belief*
- *Sex*
- *Sexual orientation*
- *Marriage and Civil partnership*

As a matter of public law the duty to consult with regards to proposals to vary, reduce or withdraw services will arise where consultation is required to complete an equalities impact assessment.

Council Priorities

Adopting the recommendations in this report will support the Council in Putting the Pride back in Harrow and being A Council that Puts Residents First.

Section 3 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert

Signed off by the Chief Financial Officer

Date: 12/01/23

Statutory Officer: Jessica Farmer

Signed on behalf of the Monitoring Officer

Date: 13/01/23

Chief Officer: Alex Dewsnap

Signed off by the Acting Corporate Director

Date: 12/01/23

Head of Procurement: Nimesh Mehta

Signed off by the Head of Procurement

Date: 06/01/23

Head of Internal Audit: Susan Dixon

Signed off by the Head of Internal Audit

Date: 12/01/23

Has the Portfolio Holder(s) been consulted? Yes

Mandatory Checks

Ward Councillors notified: No, the Consultation Standards do not impact on any wards. It is the subsequent consultations that the standards apply to which will impact on wards.

EqIA carried out: No, It has been decided, that an EQIA will not be needed for this consultation, as this report sets out to refresh the governance arrangements for managing consultations, it is assumed that equality and diversity, which covers the protected characteristics, will inherently be incorporated throughout the consultation process.

Section 4 - Contact Details and Background Papers

Contact: Helen Mannion, Head of Communications,
Email: helen.mannion@harrow.gov.uk

Background Papers: None

Call-in waived by the Chair of Overview and Scrutiny Committee - NO