



ADUR & WORTHING COUNCILS

Joint Strategic Committee
6 November 2018
Agenda Item 10

Key Decision [Yes/No]

Ward(s) Affected: All

Draft Response - JOSC Review of Consultations

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 This report provides a draft responses to the Joint Overview and Scrutiny Committee (JOSC) report on consultations. Alongside this, the report provides an update on the Councils progress to develop new principles to guide engagement with our partners and our communities.
- 1.2 Overall it is recommended that the work of JOSC should be welcomed by the Joint Strategic Committee and recognise that it will feed into the ongoing work to develop a set of engagement principles as committed to in *Platforms for our Places*.
- 1.3 JOSC made a total of five recommendations. This paper proposes to agree to one of these recommendations, agree-in-principle to two recommendations and disagree with two recommendations.

2. Recommendations

- 2.1 Agree to the proposed responses to the Joint Overview and Scrutiny Committees recommendations on consultation outlines in Attachment A.
- 2.2 Note that the Joint Overview and Scrutiny Committee report will feed into developing the engagement principles committed to under *Platforms for our Places*.

3. Context

- 3.1 As a result of the Joint Strategic Committee's concerns about the level of responses to the 2018 Council Tax Support Scheme, it asked the Joint Overview and Scrutiny Committee (JOSC) to review how the Councils undertake consultations with the Community.
- 3.2 On accepting the Committee's request JOSC established a working group to investigate this matter in more detail. The working group's report was considered and agreed by JOSC in July 2018. The Committee received this report at its meeting in August, requesting that officers prepare a draft response for its consideration.
- 3.3 *Platforms for our Places* makes a commitment to agree core principles of engagement and community involvement in design and delivery of the Councils work (Platform 2 - 2.4.1).

4. Issues for consideration

- 4.1 The overall finding of the JOSC report on consultation, is that Councils consultations are well run. Their recommendations therefore focus on enhancing good practice and achieving a more consistent approach.
- 4.2 Attachment A outlines a detailed response to the JOSC's recommendations. Overall it is recommended that JOSC is thanked for its report, as it will feed into work been undertaken to develop the engagement principles identified in *Platforms for our Places*.
- 4.3 JOSC made a total 5 recommendations. It is recommended that the Committee:
- Agree to recommendation five
 - Agree-in-principle to recommendations one and three
 - Disagree to recommendations two and four.
- 4.4 JOSC found [paragraph 3.7] that in relation to the Council Tax Support Scheme consultation, which prompted the Committee to refer the matter to JOSC, that Worthing had the highest level of responses (91) compared to other West Sussex districts and boroughs who undertook Council Tax Support Scheme consultations. Adur (17) had the lowest. Advice from Revenue and Benefits indicates that the low level of response in Adur was likely to be due to a technical reasons, which is expected to be addressed during the 2019/20 consultation. However, in the context of the levels of response elsewhere in the County, this issue may not attract the same level of interest compared to other issues.
- 4.5 Officers are currently working on developing a set of engagement principles to guide and assist services in their engagement with our partners and

communities. It is expected that these draft principles will be presented to the Committee in the first quarter of 2019. This is later than outlined in *Platforms for our Places* (December 2018), due to need to address connected priorities (for example refreshing our approach to local partnership) and in order to incorporate JOSC's considerations.

- 4.6 Officers are seeking to create a set of principles that will :
 - 4.6.1 build the capacity and understanding of the Councils and our communities so they feel confident to undertake meaningful engagement activities;
 - 4.6.2 reflect the Councils ambitions set out in *Platforms for our Places*, and reflect the character of our communities; and
 - 4.6.3 aid Officers in practical terms to undertake a range of engagement activities undertaken by the Councils; drawing on best practice, and case studies from across the Councils.

5. Engagement and Communication

- 5.1 All services were consulted in developing this response.

6. Financial Implications

- 6.1 There are no direct financial implications relating to this report. The implementation of the recommended response will have to be achieved within existing resources. This will require services to consider how identified actions are implemented in the context of other priorities.

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 7.2 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to 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.
- 7.3 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation
- 7.4 At page 4-47 of the Constitution, the Joint Overview and Scrutiny Procedures Rules paragraph 11.1 confirm that the Joint Overview and Scrutiny Committee or any sub-committee may make proposals to the Council, its Committees or

the Executive for policy development, in so far as they relate to matter within that body's terms of reference.

Background Papers

- [Scrutiny review of consultations \[JOSC Report - 26 July 2018\]](#)
- [Mid Term Review and Refresh of Platforms for our Places Commitments \[JSC Report - 10 July 2018\]](#)
- [Minutes of a Meeting of the Joint Strategic Committee of Adur District and Worthing Borough Councils \[JSC - 5 December 2017\]](#)

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Sustainability & Risk Assessment

1. Economic

1.1 No direct implications identified.

2. Social

2.1 Social Value

2.1.1 Implementation of the proposed recommendations will seek to improve the Councils engagement with our communities.

2.2 Equality Issues

2.2.2 Implementation of the proposed recommendation will seek to improve the Councils' engagement with our communities. Consideration of accessing specific groups will be considered as part of future work.

2.3 Community Safety Issues (Section 17)

2.3.1 No direct implications identified.

2.4 Human Rights Issues

2.4.1 Addressing the proposed recommendation and seeking to improve the Councils' engagement method will seek to enhance our Communities our ability to participate and influence outcomes where appropriate.

3. Environmental

3.1 No direct implications identified.

4. Governance

4.1 This report will assist in the Councils' commitment to improve their engagement principles as set out in *Platforms for our Places*.

4.2 Improving how the Councils engage with our partners and communities should serve to improve trust and deliver stronger outcomes and more informed decision making.

Attachment A

Proposed response to the Joint Overview and Scrutiny Committee Report: Scrutiny review of Consultation (July 2018)

1. Introduction

1.1 In December 2017 the Joint Strategic Committee (JSC) referred the matter of consultations to the Joint Overview Scrutiny Committee (JOSC) following concerns raised about the level of response arising from the 2018/19 Council Tax Support Scheme consultations.

1.2 JOSC established a Working Group to:

- Speak with Council Officers on the current approach to undertaking consultations;
- Consult with local residents and community groups to find out their views on the current approach via a survey; and
- Engage with a consultation professional on how consultation and other forms of engagement should be undertaken and the legal principles which should underpin all consultations. Research has also been undertaken to review Consultation practice elsewhere in West Sussex.

1.3 Overall the JOSC agreed with the Working Group's conclusion that it was:

generally pleased with the way that the Councils undertake consultations and that some Service areas use innovative techniques and provide above average levels of consultation which in turn generate good response rates. However, the Working Group believes that improvements should be made to the Councils' consultation processes to ensure a consistent approach across all Service areas to consultation delivery.

[Para 1.4]

And made a total of five recommendation to improve consultations across the Councils.

1.4 Overall the Committee's report is welcomed. Developing our relationship with our partners and our communities is an essential role for a modern Council, and in particular in meeting Adur District and Worthing Borough Councils' ambitions set out in *Platforms for our Places*. In particular this report will feed into the development of engagement principles - an action identified in *Platforms for our Places* (2.4.1).

1.5 In regards to the specific recommendations made by JOSC, it is recommended that JSC:

- Agree to recommendation five,
- Agree-in-principle to recommendations one and three; and
- Disagree to recommendations two and four.

1.6 It should be noted that JOSC's considerations will feed into developing the engagement principles committed to under *Platforms for our Places*.

2. Response to the Recommendations of the Joint Overview and Scrutiny Committee

2.1 That the Joint Strategic Committee agrees to support the creation of a dedicated Consultation Strategy/toolkit which sets out the overarching approach which should be applied by Officers to Consultations undertaken by the Councils. This Strategy should include the following issues, the rationale for which is explained earlier as part of this report and the new Strategy should be made available to the local communities and Officers:-

- An updated Consultation Policy Statement to be provided for the website
- Improved techniques for publicising consultations and updated consultation pages to be included on the website.
- An updated contact list of local residents' associations and community groups to be created and used as a list of consultees for relevant consultations. This list should also include contact details of individual local residents who want to engage and be consulted regularly on consultations (subject to appropriate compliance with the GDPR).
- Advice on all methods of consultation techniques that can be used.
- Advice on the 'Gunning Principles' and the law relating to consultation practice.
- Advice on designing consultations in accordance with the Government Consultation principles

Response

AGREE-IN-PRINCIPLE - A shared approach to engagement and consultation is an overarching conclusion of JOSC. As JOSC notes (Para 3.5), officers are currently working to develop a set of engagement principles to develop a consistent approach across the Councils. There are a number of considerations going into the development of these principles, including operational and resourcing issues. Therefore, officers are asked to consider JOSC's recommendations and wider considerations when this matter returns to the Committee in 2019, subject to the matters outlined below.

Officers are seeking to create a set of principles that will :

- build the capacity and understanding of the Councils and our communities so they feel confident to undertake meaningful engagement activities;
- reflect the Councils ambitions set out in *Platforms for our Places*, and reflect the character of our communities; and
- aid Officers in practical terms to undertake a range of engagement activities undertaken by the Councils; drawing on best practice, and case studies from across the Councils.

As such Officers will look at revising or replacing the Councils' current Consultation Policy Statement, how engagement activities are publicised, and drawing on best practice and existing guidance.

It is important that service areas are aware of, and maintain ongoing relationships with their key stakeholders; and ensure that relevant sections within our community are engaged with appropriately. However, whilst it is recommended to agree in principle to most elements of the recommendation at 2.1, the formation and management of a centralised list of resident groups and consultees, is not supported. The formation of such a list presents a number of risks to delivering meaningful engagement, including:

- that segments of our communities which are most affected by a specific engagement activity are not heard during the engagement process because they are overlooked or their views are lost among the views of others who are not directly impacted.
- That any list will be out of date as soon as it is published and that the upkeep and maintenance of the list will require additional, unavailable resources, that would have limited added value to the engagement processes of the Councils.

2.2 That a designated named Service area (to be provided at no extra cost to the Councils and within existing resources), be allocated to provide advice to Services and the communities on the Consultation and Engagement Strategy and to provide some light touch overall guidance on consultations.

Response

DISAGREE - Developing our relationship with our partners and our communities is an essential role for a modern Council, and in particular in meeting Adur District and Worthing Borough Councils' ambitions set out in *Platforms for our Places*. It is therefore the responsibilities of all officers to familiarise themselves with the process and practices of engagement and consultation. In developing the engagement principles a community of interest group has been established so officers can engage best practice and their experience of engagement.

2.3 That mandatory Corporate consultation training be provided to all Officers who undertake consultations, to help provide them with the necessary knowledge and skills required to deliver effective consultations.

Response

AGREE-IN-PRINCIPLE - Ensuring that our officers have the skills to effectively undertake engagement and consultation activities is important to maintain the Councils' trust and reputation with our partners and communities, deliver positive outcomes and add in effective decision making. Different levels of training should be offered to staff so they can effectively carry out their duties, however the ability to deliver this training will be dependent on available resources and other corporate training priorities.

2.4 That the Councils consider reconstituting the Member/Officer Community Engagement Task Force to help monitor consultation and engagement activity.

Response

DISAGREE - Consultation and engagement activities should be communicated effectively across the Councils, to elected members, partners and Communities. Officers are required to inform decision makers about proposed consultations and their outcomes, and there are several oversight mechanisms for consultations including senior officers, Executive Members, the Councils and their Committees. In light of JOSC's overall conclusions and other recommendations, the value gained from the investment of resources, and existing mechanisms the case for reconstituting the taskforce is not made.

2.5 That the Councils ensure that all local Councillors, as both representatives of local residents and the Councils, be made aware of all consultations and the consultation responses which affect their wards and the areas as a whole at an early stage to ensure that they are informed and to enable them to be able to alert and communicate effectively with local residents to encourage them to respond to consultations.

Response

AGREE - Officers will be asked to identify the best means to inform Councillors when consultation are been undertaken so they too can communicate it to local residents.