

Individual Executive Member Decision

Title of Report:	West Berkshire Council Consultation Policy 2013
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	4 th March 2013
Forward Plan Ref:	ID 2588

Purpose of Report: To present the updated Consultation Policy 2013

Recommended Action: To approve the Consultation Policy 2013 for individual decision.

Reason for decision to be taken: Recent legal challenges to local authority decisions across the country have focussed on identifying weaknesses in councils' consultative processes. This update seeks to strengthen our 2010 policy, taking account of the implications of the outcomes of these legal proceedings.

Other options considered: n/a

Key background documentation: West Berkshire Council Consultation Policy 2013
Document outlining feedback to consultation and Council's response.

Portfolio Member Details	
Name & Telephone No.:	Councillor Roger Croft - Tel (01635) 868638
E-mail Address:	rcroft@westberks.gov.uk

Contact Officer Details	
Name:	Jason Teal
Job Title:	Research, Consultation and Performance Manager
Tel. No.:	01635 519102
E-mail Address:	jteal@westberks.gov.uk

Implications

Policy: This strengthens our consultation policy, providing guidance to service managers on the key principles to adhere to in undertaking consultative activities.

Financial: There may be financial implications in relation to individual exercises in adhering to the principles laid out in this policy.

Personnel: n/a

Legal/Procurement: Recent legal challenges to local authority decisions across the country have focussed on identifying weaknesses in councils' consultative processes. In recognising the potential for this to occur in West Berkshire this update seeks to strengthen our current 2010 policy, taking account of the implications of the outcomes of these legal proceedings.

Environmental: n/a

Property: n/a

Risk Management: As per comment in legal section above.

Equalities Impact Assessment: EIA1 and 2 completed and attached.

Consultation Responses

Members:

Leader of Council: No response received

Overview & Scrutiny Management Commission Chairman: No response received

Ward Members:

Opposition Spokesperson: No response received

Local Stakeholders: As detailed in appendix

Officers Consulted: All Heads of Service, Service Managers.

Trade Union: n/a

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Supporting Information

1. Introduction

- 1.1 Undertaking effective consultation and research is essential in making sure decisions are based on sound and reliable information. Where an exercise is embarked upon, the point to consider is that it must be carried out fairly.
- 1.2 This Consultation Policy sets out the key principles, or our 'commitment to consultation' to be applied in undertaking consultation exercises. In applying these, the Council will be able to ensure that:
- We make it clear the purpose of an exercise and how it feeds into the decision-making process.
 - Sufficient information is provided and accessible to participants to inform their response.
 - Everyone has the opportunity to contribute and have their views heard.
 - Appropriate methods are used.
 - Sufficient time is provided to respond, and for consideration of key findings.
 - The results are used to inform the decision-making process
 - Key findings are fed back to participants.
- 1.3 Applying these principles in designing and carrying out consultative activity will help minimise the risk of successful legal challenges to any consultations we undertake to inform the decision-making process.
- 1.4 To note, the policy does not set out 'how to' conduct exercises – this is covered in the consultation toolkit – but the more generic principles to be applied in undertaking exercises.

2. Equalities Impact Assessment Outcomes

- 2.1 The draft policy was published inviting comment 22/10/12 – 7/12/12. It was posted on the Council's Consultation Finder database, disseminated through the Council's Facebook page and Twitter account. Feedback was invited from the Disability and Equality Scrutiny (DES) Board. Additionally all community panel members who had provided an email were written to inviting their input to the draft policy (~900 emails). 20 responses were received from individual residents, with a further response received from Thatcham Town Council.
- 2.2 All feedback is provided as an appendix to this paper, along with the Council's response to each substantive point, highlighting where the policy has been subsequently amended.
- 2.3 *Amendments to the draft policy have been highlighted using track changes. These will be removed for the final version.*

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Equality Impact Assessment – Stage 2

Appendix C – West Berkshire Council Consultation Policy 2013-01-09 (amendments track changed)

Appendix D - Document outlining feedback to consultation and Council's response.

Equality Impact Assessment – Stage One

Name of item being assessed:	Draft Consultation Policy 2012
Version and release date of item (if applicable):	
Owner of item being assessed:	Jason Teal
Name of assessor:	Jason Teal
Date of assessment:	1 st October 2012

1. What are the main aims of the item?
<p>The aim of the consultation policy is to ensure that appropriate and robust information is collated to support a process of informed and transparent planning and decision-making. The policy seeks to ensure that:</p> <ul style="list-style-type: none"> ▪ consultation is planned effectively; undertaken at the appropriate stage in the decision-making process and that; results are used effectively to inform policy development and service delivery; ▪ robust and appropriate research / consultation methods are used in collating information and feedback; ▪ appropriate information and time is provided in support of any consultative exercise; ▪ the views of interested / affected parties are elicited; ▪ consultation results are available to be shared effectively across the organisation and the wider community; ▪ the Council meets its statutory duties to consult with regard to consultation.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

Group Affected	What might be the effect?	Information to support this.

Further comments relating to the item:
<p>The policy sets out broad principles for officers to consider in developing a consultative exercise. One of the principles is to ensure that any exercise is inclusive and proactively seeks the views of all potentially seldom heard groups. The policy does not provide the 'how to' consult – this guidance is provided in the consultation toolkit – but simply the principles to adhere to in ensuring that the process of consulting is as encompassing and robust as feasible. Ultimately this policy is a positive step for all groups with protected characteristics because it sets out our commitment to consult and in doing so encourages the elicitation of the evidence and views of all protected groups.</p>

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	Yes
Owner of Stage Two assessment:	Jason Teal
Timescale for Stage Two assessment:	Policy to be consulted on over the course of the autumn 2012 where implications for different groups will be drawn out.
Stage Two not required:	

Name: Jason Teal

Date: 2nd October 2012

Equality Impact Assessment Template – Stage Two

Name of item being assessed:	West Berkshire Council Consultation Policy 2013
Version and release date of item:	v.2
Owner of the item being assessed:	Jason Teal
Name of assessor:	Jason Teal
Date of assessment:	10/01/13

1 What are the main aims of the item?

Undertaking effective consultation and research is essential in making sure decisions are based on sound and reliable information. Where an exercise is embarked upon, the point to consider is that it must be carried out fairly. Our Consultation Policy sets out the key principles, or our 'commitment to consultation' to be applied in undertaking consultation exercises. In applying these, the Council will be able to ensure that:

- We make it clear the purpose of an exercise and how it feeds into the decision-making process.
- Sufficient information is provided and accessible to participants to inform their response.
- Everyone has the opportunity to contribute and have their views heard.
- Appropriate methods are used.
- Sufficient time is provided to respond, and for consideration of key findings.
- The results are used to inform the decision-making process
- Key findings are fed back to participants

2 What research will you undertake to inform this assessment?

(for example, who, how and when will you consult? What existing information is available either internally or externally? Are there complaints, comments received that will inform this assessment? Are there any local groups you can talk to? Etc)

Use this space to set out your activity.

The draft policy was published inviting comment 22/10/12 – 7/12/12. It was posted on the Council's Consultation Finder database, disseminated through the Council's Facebook page and Twitter account. Feedback was invited from the Disability and Equality Scrutiny (DES) Board. Additionally all community panel members who had provided an email were written to inviting their input to the draft policy (~900 emails). 20 responses were received from individual residents, with a further response received from Thatcham Town Council.

3 What are the results of your research?

Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this.

Further Comments relating to the item:

The policy sets out broad principles for officers to consider in developing a consultative exercise. One of the principles is to ensure that any exercise is inclusive and proactively seeks the views of all potentially seldom heard groups. The policy does not provide the 'how to' consult – this guidance is provided in the consultation toolkit – but simply the principles to adhere to in ensuring that the process of consulting is as encompassing and robust as feasible.

No counter points were put forward from the feedback received – aside from a comment to be mindful of being too reliant on electronic communication. Ultimately, it is felt this policy is a positive step for all groups with protected characteristics because it sets out our commitment to consult and in doing so encourages the elicitation of the evidence and views of all protected groups.

4 What actions will be taken to address any negative effects?

Action	Owner	By When?	Outcome

5 What was the final outcome and why was this agreed?

(Was the item adjusted, rewritten or unchanged?)

Feedback did not suggest that any substantive changes to the principles were necessary. More minor points of clarity or emphasis have been incorporated.

6 What arrangements have you put in place to monitor the impact of this decision?

Exercises would be evaluated on an individual basis in order to ensure that the principles remained appropriate and proportionate. The policy would be reviewed on a triennial basis to ensure it remain salient and robust.

7 What date is the Equality Impact Assessment due for Review?

As part of the triennial review of the Consultation Policy.

Signed: Jason Teal

Date: 10/01/13

Please now forward this completed template to the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.