



CABINET – 4 FEBRUARY 2014
CONSULTATION PRINCIPLES
REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of Report

1. The purpose of the report is to seek approval to adopt a set of consultation principles setting out what the public can expect the County Council to take into account when conducting public consultations with regards to County Council services.

Recommendations

2. The Cabinet is asked to agree the 'Leicestershire County Council Consultation Principles', attached as Appendix A to this report.

Reason for Recommendation

3. The coalition government has now replaced its consultation standards with consultation principles, setting out a different approach to consultation and engagement. Moreover, the nature and practice of consultation and engagement has developed since the County Council adopted its seven Consultation Standards in 2005 and the current consultations standards do not adequately reflect this change in practice. It is therefore recommended that consultation principles in line with Government guidance are adopted.

Timetable for Decisions (including Scrutiny)

4. If agreed by the Cabinet, the consultation principles will replace the 2005 consultation standards with immediate effect. Guidance for service managers is in the process of being completed.
5. A copy of this report will be considered by the Scrutiny Commission on 29 January 2014. As this report will be circulated to the Cabinet before the Scrutiny Commission meets, the outcome of its considerations will be reported separately at the Cabinet meeting.

Policy Framework and Previous Decisions

6. The following legislation and Government guidance is relevant to the consultation principles:
 - Section 3(2) of the Local Government Act 1999 (Duty to Consult);
 - Best Value Statutory Guidance;
 - Government Consultation Principles;
 - Equalities Act 2010 - Public Sector Equalities Duty;
 - Any statutory guidance for a particular service area.
7. In addition, the requirement to consult may arise:
 - Because of the terms of any funding agreement;
 - Because there are factors which give rise to a legitimate expectation that consultation will take place.
8. In 2005 the County Council adopted the Leicestershire County Council consultation standards (attached as Appendix B). As the guidance document underpinning public consultation practice within the County Council, these have in practice already been superseded by the Government's Consultation Principles since 2011.
9. The Leicestershire County Council consultation principles will formally replace the 2005 consultation standards and provide the County Council with an up to date framework for conducting public consultations.

Resource Implications

10. There are no direct resource implications to adopting the consultation principles. Budgets to allow for robust public consultation should be built into all service change and commissioning processes where it can be anticipated that public consultation will be required or desirable.

Circulation under the Local Issues Alert Procedure

11. Not applicable.

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PART B**Background**

12. The proposed consultation principles set out what considerations people can expect the County Council to make when planning its consultation activity. The guiding principle is that the potential impact of the change or decision on which it consults is proportionate to the scope and type of consultation undertaken.
13. The consultation principles will replace the consultation standards, which the County Council adopted in 2005. The standards have helped to ensure that public consultations are conducted in a consistent way. However, since 2005 consultation and engagement practice has developed considerably. Engagement with stakeholders, service users and residents now involves a wider range of engagement and consultation methods and techniques and happens at various stages in the process of developing, changing, reviewing and commissioning policies and services. Much of the Council's engagement is informal and formal consultation is only one of several ways in which to engage stakeholders, residents and service users. The 2005 consultation standards do not adequately reflect or support this change in practice.
14. The principles acknowledge the use of informal engagement methods and use of social media, but also appreciate the constraints the Council is under to ensure proportionate use of resources available.
15. The 2005 consultation standards set out that the Council will aim to provide 12 weeks for consultees to respond to consultations and provide reasons when that is not possible. However, in some cases, it is not necessary to hold a 12 week consultation period, whereas in other instances 12 weeks may not be sufficient. The consultation principles therefore require managers to carefully consider the most appropriate length, format and type of consultation.
16. The consultation principles will require the County Council to document and provide the evidence of how it is applying the principles to the design of the consultation in question. This will make it easier for the Council to ensure that effective consultation is in place, while also making it easier for the public to scrutinise and monitor the application of the principles.
17. Guidance for managers will be developed to help them design an appropriate consultation and engagement schedule in line with the new principles. The guidance will bring together and link to relevant existing guidance, i.e. around equalities and legal implications.
18. The consultation principles will be published on the County Council website and hard copies can be provided on request.

Background Papers

19. The Coalition Government's Consultation Principles (first published 17 July 2012, revised 5 November 2013).
<https://www.gov.uk/government/publications/consultation-principles-guidance>
20. Best Value Statutory Guidance, September 2011
<https://www.gov.uk/government/publications/best-value-statutory-guidance--4>

Appendices

Appendix A – Draft Leicestershire County Council Consultation Principles

Appendix B – Leicestershire County Council Consultation Standards (2005)

Equal Opportunities

Adoption of the consultation principles will further ensure that equality considerations are embedded in all decision making about consultation design and process.

Risk Assessment

Adoption of the consultation principles will bring up to date guidance in place to ensure consultation on changes to County Council services is conducted in a robust way. This will also help to reduce the risk of County Council decisions being subjected to legal challenges.