

24<sup>th</sup> June 2018

**Pewsey Community Area Partnership (PCAP), Campaign to Protect Rural England (CPRE) and Pewsey Parish Council (PPC) Statement to Wiltshire Council Environmental Select Committee, 26<sup>th</sup> June 2018, on the Consultation on the proposed closure of Everleigh Household Recycling Centre**

- PCAP/CPRE/PPC wish to draw the Environmental Select Committee's early attention to the recently issued "Consultation on the Proposed Closure of Everleigh Household Recycling Centre.
- The public law to consult requires the key principle that the public authority should exercise fairness in carrying out a public consultation.
- The groups carried out two independent appraisals of the supporting document and consultation questionnaire. Both appraisals decided independently to use the legal framework identified by the Supreme Court to assess the complete consultation documentation package to determine if the consultation complied with the six requirements:
  - "a consultation must be at a time when proposals are still at a formative stage"
  - "the proposer must give sufficient reasons for any proposal to permit for intelligent consideration and response"
  - "adequate time must be given for consideration and response"
  - "the product of consultation must be conscientiously taken into account in finalising any statutory proposals"
  - "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"
  - "the demands of fairness are likely to be somewhat higher when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit"
- The direct benefit of this approach is that the acceptance criteria is clearly laid down as specific requirements and that there is also available interpretation guidance for each of the requirements. The full appraisals are provided as Supplement 2 to the agenda pack.
- In summary the appraisals identified that there is significant concern that the 'Consultation to Close Everleigh HRC' may breach most of the Supreme Court requirements and that the consultation as presented by the Council may not be in accordance with the Councils public authority duty to exercise fairness when conducting a consultation.
- The groups recommend that Wiltshire Council consider the PCAP appraisal and CPRE & PPC assessment information provided carefully with a view to withdrawing the consultation on the closure of Everleigh HRC as presented.

Colin Gale

PCAP Member