

Wiltshire Council

Overview and Scrutiny Management Committee

3 December 2019

Executive Response to the final report of the Public Consultations Task Group

Purpose of the report

1. To present the response of the Cabinet Member for Communications, Communities, Leisure and Libraries to the final report of the Public Consultations Task Group.

Background

2. On [20 November 2018](#), Overview and Scrutiny Management Committee (OSMC) established the Public Consultations Task Group to examine the number, purpose and method of public consultations taking place in Wiltshire. This Task Group was mooted after Cabinet's consideration of the detail of from the public consultation on the future of Everleigh Household HRC.
3. OSMC agreed that the Task Group's focus should centre on the purpose for consulting the public on certain decisions, the amount of consultations conducted and public perception of how respondents could influence the final decision.

Executive response to the Task Group's recommendations

(Please note: numbers match the recommendations numbers in the [final report](#))

Recommendation	During OSMC's debate on the final report on 24 September 2019 , the Committee asked the Cabinet Member to provide detail in her 'Executive Response' about how the 'silent majority' is considered when the Council undertakes public consultations
Reason for recommendation	The Committee felt that it was important for the scrutiny review to address how the silent majority is catered for in public consultations
Cabinet Member	Cllr Allison Bucknell
Executive response	Consideration will be given in future consultations to enable those in favour of the proposal to easily indicate this rather than having to complete the entire consultation.

	<p>When required to consult the Council will seek to consult with all those who will, or who may be, affected by a decision. Depending on the circumstances, we recognise that it may not be sufficient just to consult existing service users and will consider the full range of people, business and voluntary bodies potentially affected by a decision, and whether appropriate representative groups exist.</p>
--	---

Recommendation No.1	<p>1. To ensure that the Council is compliant with its own guidelines and consistent in its approach to public consultations, to update the sections of the following documents which relate to public consultations:</p> <ul style="list-style-type: none"> a) Wiltshire Council: The Constitution b) Wiltshire Council: Consultation Strategy
Reason for recommendation	<p>The Task Group found that the section within the Council's Constitution that related to public consultations was outdated and required updating. The Constitution also referenced the Council's Consultation Strategy, which required updating too</p>
Cabinet Member	<p>Cllr Allison Bucknell</p>
Executive response	<p>The Constitution and Consultation Strategy will be reviewed and updated appropriately. This is a key part to revising how public engagement takes place going forward. Future training for officers and Members will need to be based on these new documents.</p>

Recommendation No.2	<p>2. To ensure that the proposed Business Intelligence Hub has the necessary expertise and skills to manage public consultations:</p> <ul style="list-style-type: none"> a) Additional expertise and advice to be sought, before finalising arrangements for the Hub b) The Hub to have the required specialist knowledge and skills to design effective and balanced consultation processes
Reason for recommendation	<p>As the Council's Census Liaison Manager had recently retired, the newly created Business Intelligence Hub would be managing the Council's consultations going forward.</p> <p>In light of recent media coverage around local authorities being successfully challenged in court over unlawful decisions (that had not been properly consulted on), the Task Group felt it was imperative that Wiltshire Council ensure its consultation processes remain robust and compliant.</p>

Cabinet Member	Cllr Allison Bucknell
Executive response	<p>A new Business Intelligence Hub is currently being designed. The Hub will include qualitative research expertise to advise on consultation activity, alongside our communications and relevant service expertise.</p> <p>Revised consultation guidance will be developed and rolled out with appropriate training to all service areas.</p> <p>All consultation activity will form part of a wider coordinated engagement plan.</p>

Recommendation No.3	3. In the interim period whilst the Business Intelligence Hub is established and to minimise the risk of the Council being legally challenged on its decisions, public consultations to continue to be managed by specialists.
Reason for recommendation	As referenced above in Recommendation 2, the Task Group put forward this recommendation to help ensure that the Council's consultation processes remain robust and compliant.
Cabinet Member	Cllr Allison Bucknell
Executive response	<p>The Communications Team is being restructured to ensure that there is a business partner for each service area. Part of the communications plan for any proposed service change will be looking at how we engage with affected parties.</p> <p>Public consultations will be developed with appropriate advice and expertise from across the council – legal, corporate support (including equalities), commissioning, finance and intelligence - and signed off by relevant directors.</p>

Recommendation No.4	4. In order to ensure that the Council uses the appropriate process and terminology, corporate training to be rolled-out to all service areas on the difference between a public consultation and engagement/canvassing, and guidance to be provided on the internal processes for managing each of these forms of participation
Reason for recommendation	As the Task Group found that only approximately 14% of all the consultations that the Council had conducted between

	July 2017 and January 2019 could be accurately and legally defined as a 'public consultation', rolling-out training on terminology could help to add value. Additionally, using appropriate terminology would help to better manage the public's expectations when providing a contribution.
Cabinet Member	Cllr Allison Bucknell
Executive response	As mentioned in response 1) above, the definitions and types of "consultation" will be contained within the communications/consultations strategies/protocols. Once we have an agreed definition, training will be rolled out as appropriate. For statutory consultations, any legal processes will have to be followed.

Recommendation No.5	5. For all future public consultations to be designed so that the public can respond with feedback that is directly relevant to and can directly inform the council's subsequent decision making.
Reason for recommendation	As the Task Group's scope had partly centred on the public's perception of how their contribution can influence a final decision, ensuring all consultations are designed to elicit responses that are useful could better enable the public to influence a final decision
Cabinet Member	Cllr Allison Bucknell
Executive response	Creating a communications plan for any proposed changes will ensure that earlier engagement with the public takes place. This will need to explain the scope and purpose of the consultation/engagement.

Recommendation No.6	6. For all public consultations to clearly state: <ul style="list-style-type: none"> a) the purpose of consulting the public on the proposal b) the process that the Council will follow when making its final decision and where a respondent's contribution fits into this chain of events
----------------------------	--

Reason for recommendation	This recommendation is intended to help ensure that the public can better see how their contribution would influence a decision.
Cabinet Member	Cllr Allison Bucknell
Executive response	<p>As previously stated, in 3) above this should form part of the communications plan for any proposals going forward.</p> <p>Guidance will ensure that there will be proper consideration by decision-maker of consultation responses, before a final decision is made. Any decision-making reports or minutes of the decision itself should explain the number and the nature of the responses that have been received from consultees and how these have informed the policy.</p> <p>Ideally, the response to the consultation (or final decision) should also be published on the same page of wiltshire.gov.uk as where the original consultation was advertised, and ensure it is clear when the council has responded to the consultation. We agree that it will also help respondents if it is made clear at the outset how consultation responses will be acknowledged and responded to and a likely timescale for decision making.</p>

Recommendation No.7	7. The same principles as set out in recommendation six to also apply to any form of public engagement, canvassing/surveys.
Reason for recommendation	As above in recommendation six – this recommendation is intended to help ensure that the public can better see how their contribution would influence a decision.
Cabinet Member	Cllr Allison Bucknell
Executive response	Agreed.

Recommendation No.8	8. For all decision-making papers to clearly set out how respondents' views have actively influenced the final decision made.
----------------------------	---

Reason for recommendation	The Task Group found that the current practise of appending consultation results to decision-making papers could be simplified, so that members of the public can more clearly see how their views have influenced the final decision made
Cabinet Member	Cllr Allison Bucknell
Executive response	Agreed. This will be reviewed as part of our wider review of consultation and engagement.

Other Comments from the Executive

It is acknowledged that there is scope for improvement in the way that consultations/surveys/engagements are carried out. We intend to issue new consultation guidance and rollout training as appropriate to ensure good practice is embedded across the council.

We recognise that consultations should be only a part of a process of engagement and that consideration should be given to whether other forms of informal engagement are appropriate. Engagement should not just be about formal consultation documents and responses - it is an on-going process – and consideration needs to be given to increasing information provision, ongoing involvement (through partnership structures), co-production of services and devolution.

Proposal

4. To note the executive response to the **Final Report – Public Consultations Task Group**.

Cllr Allison Bucknell, Cabinet Member for Communications, Communities, Leisure and Libraries

Officer contact: Natalie Heritage, Senior Scrutiny Officer, 01225 718062,
Natalie.Heritage@wiltshire.gov.uk