

# **Chichester District Council**

## **OVERVIEW AND SCRUTINY COMMITTEE**

**14 November 2017**

### **Public Consultation**

#### **1. Contacts**

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#### **2. Recommendations**

**The committee is requested to consider the council's public consultation procedures and to make any comments or suggestions for its improvement.**

#### **3. Background**

- 3.1. For many years, Chichester District Council has retained dedicated officer resource for consulting residents or other parties affected by Council policy or practise, to better inform decision making.
- 3.2. Within the Community and Partnerships Support Team there is currently a single Community Engagement Officer to respond to the calls for assistance from other departments to assist in the design, implementation, results analysis and reporting of consultations. The team also maintains a license for specialist survey software, SNAP, which aids in the design of surveys, and analysis of responses.
- 3.3. Members of Overview and Scrutiny had asked to consider public consultations as a matter for a future agenda.

#### **4. Outcomes to be achieved**

- 4.1. In retaining dedicated resource for public consultation, the Council aims to:
  - (a) Reduce the need for services to retain specialist staff within teams for occasional use, or commission externally.
  - (b) Learn from the ongoing experience of local public engagement for continuous improvement
  - (c) Coordinate consultation activity to both aid timely decision making and to avoid simultaneous consultations.

#### **5. Support provided**

- 5.1. The support available to departments is set out in the "Consultation Charter" available on the staff Intranet. Last updated in 2014, the Charter is an essential guide to consultation, outlining the reasons why the Council should be consulting with those affected by decisions, principles of the consultation

process, example methodologies, and a project checklist which helps refine the Services areas needs and starts defining the support required and the appropriate methodology/ies for consultation.

- 5.2. The Charter emphasises the benefits of early identification of the need for consultation and consulting at an early stage, typically prior to the development of new policy or strategy.
- 5.3. Given the breadth of council services, the work of the team can be very diverse, and the types of consultation projects undertaken reflect that. A summary of projects undertaken by, or with the support of the team, can be found at Appendix 2.
- 5.4. It is also worth bearing in mind that some of the consultation undertaken by the council is prescribed by relevant statute or regulation. This might be the publication of a draft document for comment by relevant stakeholders, for example the Air Quality Action Plan. While promoted to the general public for their consideration and comment, it tends to be of more interest to professional partners and interest groups, and the methodology is less discursive. The team can provide limited support for this type of activity (the collation of responses, assisting with identifying potential respondents or interest groups, or promoting through the “Current Consultations page” on the Council’s website) but as a result this type of consultation may be initiated without any reference to the team.
- 5.5. Perhaps the most complex area is Planning. The process for consultation and public comment on planning applications is clearly defined and is embedded within the Planning Application process. In terms of Planning Policy, how the council consults on the development of the Local Plan has been developed through the Statement of Community Involvement which has been approved by the Development Plan and Infrastructure Panel.
- 5.6. Given that this is policy development, consultation by necessity involves the development of draft documentation for comment. As a result, the Planning Policy team use specialist software (“Objective”) which allows for commentary paragraph by paragraph, allowing people to support or challenge very specific elements of policy. The system requires people to create a login, so while it’s not quickly accessible to people wanting to make a very specific or brief comment, it is well suited to those who would want to make a considered response over a period of time, or stay engaged with the evolving development of the Local Plan.

## **6. Co-ordination**

- 6.1. There are benefits to the council in coordinating consultation activity. With an internal resource it is fairly pragmatic in terms of managing workload, but it can also provide opportunities for collaboration and cost sharing between commissioning services. From an external perspective it aids with the transparency of decision making, and it is particularly advantageous to try and avoid multiple consultations running simultaneously, particular where those most affected by the issues are the same.

- 6.2. To try and build a forward plan of consultations, the team typically start by requesting that Heads of Service identify any projects within their Service Plans that might require public consultation in the coming year. This typically identifies the major projects, which by default other projects need to fit around. Thereafter projects tend to be identified in a more reactive manner. While planning consultations to a calendar is always attempted, the reality is that the timing of consultations is necessitated by the timeline for decision making.
- 6.3. Coordination with other statutory bodies or local bodies is more challenging. There is often willingness to, and appreciation of the benefits of, scheduling consultations to avoid conflict – but it isn't always pragmatic or possible to do so (on both sides).

## **7. Alternatives that have been considered**

- 7.1. While the support necessary to complete the typical range of consultations undertaken across the council can and is provided in-house, it is not impossible that specialist resource might need to be found or bought in from other partners or consultants. For example, when the Chichester Vision was first proposed at Project Initiation stage, the view was that specialist consultancy might need to be identified. In the event many elements of the consultation process were developed in-house in collaboration between the Economic Development Team and the Community and Partnerships Team, although there was significant resource in the promotion of the consultation and the staffing required to support so many public events.

## **8. Resource and legal implications**

- 8.1. One of the drivers to consult is the potential challenges to decision making if people affected have not had the chance to have their say. While the risk of Judicial Review should not in itself be a key driver in the development of a good consultation methodology, there are some key principles (The "Gunning Principles" which extend from case law) that determine whether a consultation exercise is lawful:
  - (a) Consultation must be undertaken at a time when proposals are still at a formative stage.
  - (b) It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response.
  - (c) Adequate time must be given for this purpose.
  - (d) The product of consultation must be conscientiously taken into account when the ultimate decision is taken.

## **9. Appendices**

- 9.1. Appendix 1 - Consultation Charter 2014
- 9.2. Appendix 2 - Summary of recent consultation projects