

LONDON BOROUGH OF RICHMOND UPON THAMES

CABINET

Agenda Item No.

DATE: 8 JUNE 2009

REPORT OF: CABINET MEMBER FOR
COMMUNITIES

LEAD OFFICER: ASSISTANT DIRECTOR
COMMISSIONING, CORPORATE
POLICY AND STRATEGY &
DIRECTOR OF ENVIRONMENT

SUBJECT: RESPONSE TO THE REPORT OF SCRUTINY TASK GROUP
ON PUBLIC CONSULTATION

WARDS: ALL

KEY DECISION?: No

For general release

1. PURPOSE OF THE REPORT

- 1.1 To respond to the report and recommendations of the Coordination, Finance and Performance Commission's Scrutiny Task Group on Public Consultation.

2. EXECUTIVE SUMMARY

- 2.1 Following public concerns raised around the Council's approach to consultation, the Coordination, Finance and Performance Commission (CFPC) established a scrutiny task group lead by Councillor Coombs to undertake an in-depth scrutiny of the Council's public consultation process. The Task Group's report was presented to CFPC on 8 April 2009 and is available on the Council's website. This report outlines the improvements that are being made to consultation activity across the borough and responds to the specific recommendations made by the task group.

RECOMMENDATIONS

That the Cabinet agree the Executive response to the recommendations of the Scrutiny Task Group on Public Consultation as set out in Appendix A.

3. DETAILS

- 3.1 Officers welcome the timeliness of the Task Group's recommendations as they provide a useful addition to the continuing development and improvement of the Council's engagement and consultation approach. The Council has already undertaken a number of initiatives to improve and coordinate its consultation activities and has extended this to the Local Strategic Partnership (LSP) work programme to ensure a coordinated and consistent approach across the borough. Many of these initiatives were recommended following the publication of the Council's Consultation Strategy in March 2007 and are outlined below. The need for these improvements has been reinforced by the Government's drive to foster a culture of community engagement in local authorities:

- Strong and Prosperous Communities 2006
- Communities in Control: real people, real power 2008
- Duty to Involve 2009

The Council has further demonstrated its commitment to improving community engagement by including NI 4 (*% of people who feel they can influence decisions in their local area*) in its LAA and undertaking to develop a comprehensive community engagement strategy during 2009/10.

- 3.2 The improvements which have already been adopted include:

- The establishment of an internal officer working party on consultation to drive improvements to consultation activity, including:
 - A comprehensive consultation diary capturing consultation and engagement activity across the Council
 - The development of a good practice toolkit
- In addition, a LSP officer working party on consultation has also been established to coordinate consultation activity across the borough, including:
 - A comprehensive consultation diary to cover the major partners' consultation activity
 - Development of shared principles of engagement and a LSP Community Engagement Strategy
 - Development of work around hard-to-reach sections of the community

- 3.3 The Council's officer working party on consultation takes responsibility for driving further improvement in consultation activity across the council. A process for ensuring that a comprehensive consultation diary is updated and signed off at management team level in each department has been put in place. This will ensure that all consultation activity is co-ordinated across the departments, and is regularly considered, reviewed and evaluated to ensure that its impact on service development and improvement can be demonstrated and that the outcome of consultations are fed back to those that took part and available more widely. The consultation diary will be subject to further scrutiny at Executive Board every 6 months to ensure that consultation activity is coordinated corporately.
- 3.4 The development of a good guidance toolkit is well advanced and this will provide comprehensive information to everyone considering and undertaking consultation activity. It will contain a checklist and the possibility of all consultation activity being signed off at Assistant Director level is currently being explored with the officer working party. The toolkit will contain guidance on the recommendations of the Task Group which the Executive has accepted. It is hoped that this toolkit will be employed by other LSP partners in due course.
- 3.5 The LSP officer working party on consultation will regularly review a borough wide comprehensive consultation diary covering the major pieces of consultation being undertaken by the main partner organisations in order to identify opportunities to coordinate consultation and share information. This working party has developed shared principles of engagement which the LSP will be recommended to adopt later this summer and which will form the basis of the Community Engagement Strategy which will be developed during 2009/10. The Community Engagement Strategy will be an over-arching strategy which will ensure that processes are in place to ensure compliance with the requirements of the new Duty to Involve and to safeguard the Council against challenge. In developing the strategy, the opportunity will be taken to review the 2007 Consultation Strategy and the more recent improvements outlined above to ensure that they are robust enough to meet the requirements of the new Duty to Involve. It is envisaged that the LSP partners will be willing to sign up to this strategy in order that a borough wide approach to community engagement and consultation can be adopted.
- 3.6 The steps which have already been taken and those that are in development will ensure in due course that specific consultation activity is considered as part of an overall community engagement approach. This will result in improved community engagement at an earlier stage, with any necessary specific consultation being more focussed and better managed.
- 3.7 Detailed responses have been given to each of the recommendations in **Appendix A**. Whilst a number of the recommendations appear to be general and corporate, the Task Group was particularly interested in a number of planning related issues and we have identified the Planning Department response to the general recommendations where appropriate. In addition there were a number of recommendations which are specific to planning issues. All recommendations have been accepted wholly or partly, and where it has not been possible to accept the recommendations fully an explanation has been given. In most cases the recommendations will be managed by

inclusion in the developing toolkit for consultation. The Planning Department guidance on consultation will also be reviewed to ensure that the recommendations accepted in this report are adequately reflected.

4. CONSULTATION

- 4.1 No further consultation implications arise directly from this report. The task group consulted a number of organisations in the preparation of its report. The developing community engagement strategy will have a consultation plan.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising directly from this report. However, a number of the improvements could require additional staff time. In due course it is envisaged that improved community engagement activity at an earlier stage will reduce the demand for specific consultations.

6. POLICY IMPLICATIONS/CONSIDERATIONS

- 6.1 Strengthening the way the Council manages its public consultation, including where it works in partnership, is important in order to ensure key objectives are delivered. Improved consultation will contribute to the achievement of the NI4 target in the LAA.

7. RISK ASSESSMENT

- 7.1 The extent to which the Council complies with the Duty to Involve and performs against its LAA NI 4 is important for the Council's CAA assessment and for the continued drive towards improved services.

8. EQUALITY IMPACT/CONSIDERATIONS

The action already being taken and the developing consultation toolkit and community engagement strategy will ensure that equality considerations and monitoring are embedded in consultation practice and that attention is given to considering the needs of the hard to reach groups.

9. LEGAL IMPLICATIONS

- 9.1 The statutory Duty to Involve from 1 April 2009 requires the local authority to involve representatives of local persons in the exercise of any of its functions. The action being taken on consultation will contribute to compliance with the new Duty. The Community Engagement Strategy once developed will ensure that processes are in place to demonstrate full compliance and to safeguard the Council from challenge.

The developing Community Engagement Strategy will deal with the requirements of the Duty to Involve, but the main question arising will be whether or not it is appropriate to involve 'representatives of local persons' in the future exercise of the authority's functions in relation to future activities, and if so whether this should be by their being:

- a) provided with information
- b) consulted about the exercise of the functions
- c) involved in some other way

If so appropriate steps must be taken to ensure that such representatives are involved in that way. This does not override any other duties of the authority (such as for example the requirements of complying with planning law). 'Representatives of local persons' is a term under the statutory guidance which refers to:

- Those likely to be affected by, or interested in, a particular function of the authority. This does not just mean residents, but also those who work or study in the area, including those who work for the authority, visitors, local voluntary sector groups, businesses, and anyone else likely to be affected by or interested in the function.
- The phrase 'representatives of local persons' refers to a mix of local persons, i.e. a balanced section of the individuals, groups, businesses, or organisations the authority considers likely to be affected by or have an interest in the function. The various diverse groups in the community who might be affected need to be taken into account.

10. ENVIRONMENTAL IMPACT ASSESSMENT

10.1 None arising from this report.

11. BACKGROUND DOCUMENTS:

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