

From: Dylan Jeffery, Cabinet Member for Communications and Democratic Services
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To: Policy and Resources Cabinet Committee

Date: 10th July 2024

Subject: KCC's approach to Public Consultation

Classification: Unrestricted

Electoral Division: All

Summary:

This report summarises the current approach and process to public consultation at Kent County Council.

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to NOTE KCC's approach to public consultations.

1. Introduction

1.1 This paper outlines KCC's approach to public consultation.

1.2 During periods of significant change, the need to carry out public consultation is increasingly prevalent and as such, this paper outlines the approach undertaken at KCC to provide reassurance of a robust and effective process.

2. Background

2.1 As a Council we want to find ways of listening and responding to what's important to people in Kent and for our strategies and planning to be informed by the views of residents, service users, stakeholders and staff. We want to use this insight to better understand spending priorities and how we should work together as a Council to maximise public value.

2.2 We have a duty to consult when considering how to meet the [Best Value Duty](#) (Local Government Act 1999) and to consider if there is a Common Law requirement to consult, such as legitimate expectation and procedural fairness.

2.3 The need to consult arises:

- 1) Where there is a withdrawal of a benefit with significant impacts to be considered and/or an interest which is held to be sufficient to warrant such an expectation.
- 2) From some promise to consult or where official guidance or policies imply a promise to act in a particular way.
- 3) Where there is well established practice of consultation.
- 4) Where in exceptional cases, a failure to consult would lead to conspicuous unfairness.

2.4 We must adhere to any statutory guidance as well as KCC policies and procedures.

3. Consultation versus Engagement

3.1 Consultation is a conversation between individuals and groups, based on a genuine exchange of views. It helps us to share information, listen to stakeholders, and gather customer insight to make better-informed decisions. Before decisions are taken it is important that we understand the views of the people who use our services, residents, partners, staff and any other interested parties and how any proposed changes might impact them.

3.2 Engagement can happen at any point during a project. It can help to develop options, generate and test ideas, build relationships and reduce conflict. Consultation takes place when you need to understand people's views on proposals to inform a decision.

3.3 Effective consultation helps the Council to make robust decisions by:

- being informed of any issues, viewpoints, implications or options that might have been overlooked;
- re-evaluating matters already known; and
- reviewing priorities and principles.

3.4 Strength of feeling will be taken into account by decision-makers, but a consultation is not a vote. It is about understanding the impact proposals may have on people and using this insight, along with other evidence, to enable well informed decisions to be made.

4. The Gunning Principles

4.1 KCC follows the Gunning Principles which are the requirements for a legally robust consultation process. If one or more of these principles is not followed, it could mean that a legal challenge (judicial review) is brought against a local authority on the decision-making process.

4.2 The Gunning Principles are:

- 1) Consult when proposals are at a formative stage – this means when there is still an opportunity to influence the outcome.
- 2) Provide sufficient information and reason (rationale) for proposals to enable people to give an intelligent response.
- 3) Allow enough time for consideration and response. This applies for participants during the consultation period, and decision-makers once the consultation has closed.
- 4) Feedback from the consultation must be conscientiously taken into account in finalising proposals and in the decision-making process.

4.3 The length of the consultation needs to be proportionate and will depend on factors including: the scale and impact of the changes being proposed, its complexity, the time of year, and the stakeholders that need to be reached.

4.4 In some instances, the length of a consultation will be stipulated in statutory guidance. Services should be aware of any statutory requirements in their service area.

4.5 The government has its own set of consultation principles, which give guidance to government departments on conducting consultations. These compliment the Gunning Principles. The full principles can be found [on the government's website](#) but in summary, consultations should:

1. Be clear and concise
2. Have a purpose
3. Be informative
4. Only be part of a process of engagement
5. Last for a proportionate amount of time
6. Be targeted
7. Take account of the groups being consulted
8. Be agreed before publication
9. Facilitate scrutiny
10. Responses to consultations should be published in a timely fashion
11. Not generally be launched during local or national election periods.

5. The Marketing and Resident Experience Team

5.1 The Marketing and Resident Experience (MRX) department's Engagement and Consultation team provide advice and guidance to services across the Council on whether or not a consultation is necessary, how to run a robust consultation (evidenced through case law), as well as supporting the development of consultation and communication methods. KCC's consultation process has helped KCC to avoid legal challenge on its decisions following public consultations.

5.2 KCC is a member of the [Consultation Institute](#). This is a leading best practice Institute and membership body, promoting high-quality cross sector public and stakeholder consultation standards and training.

5.3 Where there is a requirement for legal advice, the Engagement and Consultation team work in collaboration with legal services.

5.4 Consultation responses are analysed and reviewed throughout the consultation period. Following the close of the consultation, a consultation report is produced which is shared with decision makers and published on the Let's talk Kent platform. Where participants, through registration, have asked to be kept informed, a notification of report publication is emailed to them.

5.5 Responses are consciously considered by KCC before any decisions are made.

6. Let's talk Kent

6.1 The Engagement and Consultation team manage Let's talk Kent, the Council's engagement website. It is a place for sharing information about proposals and gathering respondents' views. All KCC's public consultations are published on the website: www.kent.gov.uk/letstalk.

6.2 In line with other local authorities and government departments, we ask people to register to take part in some activities on our Let's talk Kent website. We do this to: protect the integrity of our consultations from individuals and groups who may attempt to unduly influence the outcomes of the consultation process; give people the opportunity to choose to be kept informed; and for some consultations, to comply with statutory requirements to contact anyone who has made a representation. For all consultations, a Word version of the questionnaire is available on the website or on request for people who would prefer not to complete the online form or register.

6.3 Let's talk Kent has over 36,000 registered users, 20,000 of which have signed up to receive information on future engagement and consultation opportunities.

6.4 KCC is proactive at promoting public consultations. Promotional activity is tailored to each consultation in order to reach target audiences effectively, within the resources available. Responses are monitored and promotional tactics are adapted and optimised during the consultation period where necessary.

6.5 Examples of promotional tactics can include: media releases; posters and postcards; social media posts; features in the KCC residents' e-newsletter; promotional banner and links on KCC's website kent.gov; emails sent to services' stakeholders, service users and any associated partners; the Kent Association of Local Councils (KALC) newsletter, website, and social media channels; and through an invitation to those who registered an interest on the Let's talk Kent website.

6.6 Promotion to both KCC staff and Members who can play an important role in raising awareness directly in their communities.

7. Financial Implications

7.1 No changes are being proposed.

7.2 The advice and guidance provided by MRX to services across the council is funded by the corporate centre. Costs associated with consultations (such as printing, promotion and creation of alternative formats) are funded from consulting services' own budgets. Where services seek legal advice for highly complex or controversial proposals, this is also funded from their own budget.

8. Equalities implications

8.1 The Council takes accessibility very seriously and has implemented a number of ways to help residents participate in our public consultations and have their say. Stakeholder identification is undertaken to understand who could be impacted by, or interested in, each consultation, with consideration given to their accessibility needs such as Easy Read, British Sign Language, large print, and face-to-face engagement opportunities.

8.2 Let's talk Kent meets digital accessibility requirements. Information on how to ask for alternative formats of consultation material is promoted as standard practice. This includes asking for paper copies to be sent out if people feel unable to complete an online questionnaire.

8.3 Equality analysis is a crucial part of the process. All proposals will have an Equality Impact Assessment (EqIA) produced by the consulting service, and these are published alongside other consultation material. Feedback on EqIAs is sought as part of the consultation process and is used to refine equality analysis ahead of a decision being taken.

9. Conclusions

9.1 KCC is committed to listening and responding to what's important to people in Kent, and for its strategies and planning to be informed by the views of residents, service users, stakeholders and staff. The current approach and process to public consultations is both robust and effective, inviting residents to participate in decision making whilst adhering to the legal requirements of public consultation.

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to NOTE KCC's approach to public consultations.

10. Contact details

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