

# OVERVIEW AND SCRUTINY BOARD



Report subject	<b>Overview of BCP Council Consultation approaches</b>
Meeting date	18 November 2024
Status	Report
Executive summary	<p>This report provides an overview of the consultation methods and approach used by BCP Council to consult on various decisions and issues.</p> <p>The consultation framework is due to be refreshed, and this is an opportunity to receive feedback from the Board ahead of that work.</p>
<b>Recommendations</b>	<p><b>It is RECOMMENDED that:</b></p> <p><b>Overview and Scrutiny Board notes this report.</b></p>
Reason for recommendations	To ensure the Board has oversight and understanding of the consultation methods available, pros and cons and provide feedback and suggestions on the future approach.
Portfolio Holder(s):	Cllr Andy Martin, Portfolio Holder for Communications, Customer and Culture
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Isla Reynolds, Director of Marketing, Communications and Policy Lisa Stuchberry, Senior Research and Consultation Manager
Wards	Not applicable
Classification	For information

## **Background**

1. BCP Council conducts a variety of consultations to inform decision-making.
2. In 23/24, approximately 27 public consultations were carried out, including on, the Council's Corporate Vision, Council's 24/25 budget, and Poole Park entrance closure (which received our highest number of responses ever at 5,392).
3. There are two documents that are due to be updated or have reached the end of their life cycle. The Community Engagement and Consultation Strategy which sets out a vision for community engagement and consultation until 2024 and the Research and Consultation Framework which sets out a framework for how we work internally with services to deliver consultation and research projects.

## **Definition of consultation**

4. Consultation is a two-way process in which people are fully informed about the options available and are asked their opinion on an issue the council is considering. Consultation has a defined start and end date and opinions from consultation activity should be used to inform decisions in a clear and transparent way. Feedback from consultation activity is used alongside performance, intelligence, legal, financial and sustainability information to make decisions about how council services are delivered.
5. There is a difference between formal consultation, stakeholder engagement and information sharing:
  - a. Informing: a one-way flow of information that passes balanced factual information to stakeholders
  - b. Engagement: a two-way process that involves active participation of stakeholders in service planning, delivery and evaluation
  - c. Consultation: a structured process for getting input and feedback on a specific issue and proposed course of action

## **Legal requirement for consultation**

6. There are some circumstances where we must consult, either as a statutory responsibility or due to the Doctrine of Legitimate Expectation.
7. In some areas of the council work there is a statutory duty to consult. In such a case, the statute will set out who must be consulted and usually the timescales. Statutory provisions tend to apply to areas such as planning, licensing and housing.
8. Consultations that fall under the Doctrine of Legitimate Expectation include;
  - a. Where people have previously been consulted about similar decisions
  - b. Where a promise has been made to consult
  - c. Someone may lose out on a benefit or service that they have received for some time or where the consequences for failing to consult would lead to 'conspicuous unfairness'

## Rules of consultation

9. There is clear guidance through case law on how we must conduct a consultation, called the Gunning Principles:
  - a. Consultation must be at a time when proposals are still at a formative stage.
  - b. There is sufficient information to give 'intelligent consideration'
  - c. Adequate time must be given for consideration and response
  - d. The product of consultation must be conscientiously taken into account in finalising any proposals.
10. In the absence of any statutory prescribed procedures and if the council abides to the Gunning Principles the overriding duty on local authorities is to act fairly when exercising their functions and that a council has broad discretion as to how a consultation should be carried out.

## Consultation process

11. Following our research and consultation framework, when starting to plan a consultation we meet with the lead officer from the council service who is requesting the consultation to plan the consultation. We discuss the purpose of the consultation, the proposals being consulted upon, the stakeholders, and decide what methods of consultation we will use.

## Consultation methods

12. There are a number of consultation methods available, each with pros and cons, and which are often used in combination depending on the type of consultation, the audience and the budget available.
13. **Open consultation:** This usually includes an information document and response form. This can be completed online and on paper and is open to everyone. It is an inclusive method that meets the legal requirements of consultation. Different formats can be used for different audiences and a mix of open and closed questions can be used. It works well alongside other methods of consultation and is good for evidencing perceived impact. It provides insight for Equality Impact Assessments. However, an open consultation will rarely provide a representative response – those motivated by a cause or issue are more inclined to respond. The volume and range of responses means that the results from this kind of survey can be labour intensive to analyse. This is the most common method used by BCP Council.
14. **Sample survey:** This is a randomly selected group of people that are surveyed conducted via phone, face-to-face, post or drop-and-collect methods. A representative random sample can give an indication of what all residents would think if they were asked to participate, and the data can be weighted to provide a more representative response. It provides a controlled environment from which to gather data. However, there is a cost associated with this method some recent examples of the cost involved include:

Project	Sample method	Sample size	Cost
Library survey	Drop and collect method	1,068	£16,413 +VAT
Safer roads	Face to face survey	200	£3,500 +VAT
Residents survey	Telephone	1,500	£21,430 +VAT

For most consultations, an open consultation would be needed in addition to a sample survey. The length of the survey is limited and as are the number of open-ended questions.

15. **Qualitative research:** This is research conducted via focus groups, deliberative events and in-depth interviews. It doesn't restrict discussion topics and is less structured than a survey. It can be a way to really probe views and experiences and as such, participants tend to feel empowered and have a good engagement experience. It's useful for testing concepts before more work is undertaken. However, it is an expensive option which often needs incentives to encourage people to participate, transcriptions of discussions and external facilitators, venues etc. It can be time consuming to gather and analyse the data, which is often discursive in nature. It's not open to all and can be side-tracked by other interests, agendas or questions. Using qualitative research as a consultation method can be useful but usually would be use in conjunction with an open information document / feedback form.
16. **Engagement HQ platform:** This is our digital engagement platform where we host our online consultations. It has a variety of engagement tools which we use to capture feedback. The tools include, digital idea walls, mapping tool (which are used for place-based consultations), story board, Q and A function. We are due to procure a new contract for an engagement platform starting in September 2025.

## Reaching audiences

17. Most consultations will be supported with communications to promote participation from key audiences.
18. For some consultations (e.g. Adult Social Care) we will write to service users directly inviting them to take part in a consultation. For universal services we will use a variety of communication mechanisms to invite people to take part in consultations, including Social Media, e newsletters, drop in events, press releases etc.
19. In some instances, third party organisations support the council to reach specific audiences. For example, Dots Disability run discussion groups and access audits with disabled people from across impairment groups on our behalf.
20. We make paper copies of consultation material available in all BCP Council libraries

## **Evaluation**

21. Once the fieldwork of a consultation has been completed, we analyse the results. Depending on the number of responses received depends on the level of analysis we can provide. We will analyse responses by respondent type e.g. resident living in a certain area, BCP resident, someone who works in the area etc or by service user / non-user to look at how views vary between different respondent types. We also analyse by protected characteristics to look at how views vary and the different impacts of a proposal on groups within our communities. All open comments are read and coded and a summary of the key themes and example quotes are provided. The consultation reports are published on the digital engagement platform and the web page is updated to explain the next phase of the process.

## **Decision-making**

22. According to the Gunning Principles, “the product of consultation must be conscientiously taken into account in finalising any proposals”. This does not mean that any decisions must adhere to the results of a consultation, but views and perspectives must be considered as part of the decision-making process.
23. However, consultations and a council’s response to them, are key components of building public trust. It is therefore important for Councils to explain clearly how the results of consultations have been considered in decision-making.

## **Future Developments**

24. We are exploring options for setting up a residents’ panel. The aim would be to recruit a representative sample of residents who could take part in surveys and focus groups throughout the year. This would be used alongside open consultation methods.
25. We will be creating an external consultation document which sets out when, why and how the council will consult and improve its consultations with residents and stakeholders.
26. Better evaluation of our consultation methods and how we promote consultations to gain a better understanding of who we are/ are not reaching. We are asking respondents how they found out about the consultation as part of their response.
27. The procurement of a new digital engagement contract for September 2025

## **Summary of financial implications**

28. The budget for Research and Consultation is £275k which includes staff salaries and budget for some regular surveys (such as the Residents’ Survey), survey software, and outsourced specialist services. There are additional consultation costs e.g. printing, postage and additional research this is met by the services leading on the consultation.

## **Summary of legal implications**

29. If we don’t consult appropriately in accordance with the legal principles, the Council is at risk of judicial review, which could ultimately mean decisions being delayed, rerunning consultations, extra cost including legal costs and damage to residents’ trust in the Council. Where statutory consultation is required, the Council may be required to follow a procedure format/guidance by which the

consultation itself is carried out otherwise there is some discretion, but with the overall consideration of fairness.

**Summary of human resources implications**

30. N/A

**Summary of sustainability impact**

31. N/A

**Summary of public health implications**

32. N/A

**Summary of equality implications**

33. N/A

**Background papers**

[Community Engagement and Engagement Strategy 2021 – 2024](#)  
[Research and Consultation Framework](#)