

Overview & Scrutiny Board Working Group – BCP Public Consultation Framework

Key Lines of Enquiry

The Working Group undertook a deep dive into the development of the BCP Consultation Framework Strategy, based on three key lines of enquiry (KLOE) established by the Overview and Scrutiny Board and set out below. In addition, the group raised detailed data and information requests to support these KLOE. These are detailed in the Key Lines of Enquiry (KLOE) background document available upon request. In addition to this the Group looked at several different recent consultations and explored a number of areas of enquiry which arose from these to form the Group's findings and Recommendations

Portfolio Holder: Andy Martin, Cabinet Member for Customer, Communications and Culture

Working Group Findings and Recommendations

Key Lines of Enquiry

1. How do we regain residents trust in our consultation process.
2. Thinking specifically about building trust in our process:
 - Do we consult at a good time in the decision process
 - Do we consult the most relevant people
 - Do we frame our questions in the best way
 - Do we use and communicate the results in the best way
 - Are there any other methods of engagement
3. What other consultation frameworks are in use by other Local Authorities and which elements of these would be suitable for a BCP framework.
4. What are the key elements which should be included in a consultation how these would contribute to building public confidence and trust in BCP consultations

Meetings and Frequency

The Working Group met formally 6 times across 8 months. The key officer contacts for the group were Lisa Stuchberry, Senior Research and Consultations Manager and Isla Reynolds, Director of Marketing, Communications and Policy. The group met with other officers internally as required.

The group investigated the Key Lines of Enquiry as detailed above which led to the development of the code of Good Practice for Consultations and a number of additional recommendations which were formed when looking into the conduct of past consultations

1. The BCP Code of Good Practice for Consultations (Framework)

The findings of the group which contributed to the development of the framework were:

Scope and Flexibility

- The framework to apply broadly but allow for exemptions, in certain cases where this isn't possible the reasons for this will be explained.
- The framework must be adaptable to different contexts while maintaining a consistent ethical foundation and clear communication with the public.

Principles and Best Practice

- The group discussed the importance of establishing a Code of Good Practice, to serve as a public-facing commitment to stakeholders.
- The Bristol Consultation Framework was cited as an ambitious and audience-conscious model, written in accessible language and framed as a "commitment to you".
- The framework should be based on best practice principles (aligned with the Gunning Principles), including:
 - Providing clear and timely information.
 - Consulting at a formative stage, in line with legal requirements.
 - Ensuring sufficient time for responses.
 - Taking responses conscientiously into account.
 - Avoiding politicisation or restrictive language in consultation design.

- Clarifying that consultations are not referenda, but tools for informed decision-making.

Feedback, Validity, and Expectations

- The framework should include mechanisms for feedback, especially when participants feel that principles have not been upheld.
- It should also address the validity of responses, ensuring that the process reflected best practice in data security and integrity.
- Managing expectations is crucial, particularly in cases of divided opinion, where some participants may be dissatisfied with the outcome.
- The group emphasized the importance of follow-up engagement, especially when decisions directly affect individuals or communities.

Broader Engagement Considerations

- A distinction was made between consultation and other forms of engagement, such as co-production and participatory frameworks.
- It was suggested that a separate code may be needed for these broader engagement approaches but that this was outside of the scope for the group.
- The group also discussed the importance of active engagement, rather than passive information gathering, and the need to respect differing opinions while encouraging participants to explain their views.

RECOMMENDATION 1 – That the Overview and Scrutiny Board Recommend to Cabinet that it adopts the Code of Good Practice (Attached at Appendix 2 to the Report)

2. Improving Oversight and Consultation Planning and ensuring member engagement:

The Group had a constructive discussion on when to engage members on consultation on both proposals being put forward and the consultation methods used. Members emphasised the importance of informing Ward Councillors and other Members at the earliest possible stage so that they could help shape proposals and remain fully informed about matters affecting their wards. However, they also acknowledged that, given the political context within any council, certain proposals, particularly those that could prove contentious, may not be suitable for early engagement due to the potential for using for a political agenda. The Group recognised that balancing these considerations is challenging but asked officers to remain mindful of the impact on Ward Councillors when information is shared late in the process. Officers welcomed this feedback and agreed to reflect on how best to incorporate it when developing future proposals. The group supported the production of an Internal Consultation Process Document, including consultation with Ward Councillors at the earliest possible stage and a consultation Forward Plan which should be regularly reviewed by Cabinet and CMB.

RECOMMENDATION 2 – That the Overview and Scrutiny Board recommend that the Chief Executive bring the Consultation Forward Plan to Group Leaders Meetings on a quarterly basis in order to raise awareness with members. As well as informing of forthcoming consultations the update should provide guidance on confidentiality and expectations for member engagement.

RECOMMENDATION 3 – That the Overview and Scrutiny Board recommend to Cabinet that all members should be notified of consultations at least 1 week in advance of going live, providing summary detail of the topic for consultation.

RECOMMENDATION 4 - That the Overview and Scrutiny Board endorse the ongoing work to produce an internal consultation toolkit, which should provide clear guidance on confidentiality.

3. Greater use of alternative methods to ‘open’ consultations

The Group agreed that open consultations, by their nature, attract responses from people who have an opinion (sometimes strong opinion) and who are often more informed, and the response isn't representative of the wider population (e.g. If everyone living in an area was asked the same survey) and is difficult for councillors and officers to interpret. Representative

sample surveys provide better insight into what all residents would think about a proposal. The group found that sample surveying is preferable as a more robust form of consultation but acknowledged that this comes with greater initial cost to undertake the consultation. However, the impacts arising from less statistically robust consultations could potentially lead to greater costs to the Council, as decisions may be based on opinions that are not fully representative. Therefore, this risk should be balanced against the higher cost associated with representative sample surveying. The group suggested a number of alternative methods of public engagement which included, sample surveys, participatory budgeting and citizen assemblies. In conversations which the group had with the Transport Team there was support given if sample surveying was advised to be the preferred method and the benefits of this approach were acknowledged

RECOMMENDATION 5 – That the Overview and Scrutiny Board recommend to officers that greater clarity be provided around why particular consultation methods were chosen and also clarity on the reason why a consultation is taking place and how the results of the consultation will be used.

The group found that there may be value in comparing the results of open surveys and sample surveys. Where more than one form of consultation is undertaken both sets of results should be available for comparison.

Throughout its work the group explored in detail the difference between referendum and consultation and the need for the Council to help the public understand this difference. Whilst the group is pleased that this is addressed through the Code of Good Practice it felt that this was one of the key issues which was undermining public confidence in BCP Council consultations but acknowledged the difficulty in addressing this issue

RECOMMENDATION 6 – That the Overview and Scrutiny Board recommend to Cabinet that it endorses an approach to every consultation which clearly outlines that it is not a referendum.

Areas suggested were more sample surveys, participatory budgeting and citizen assemblies. The group considered the financial and resource implications of alternatives to open consultations. It was noted that it had been hoped that a citizens panel could be established which could provide the opportunity for alternative methods of public engagement and convene randomly selected focus groups. However, it was found that this would not be possible within the current consultation budget. The budget for consultation had been reduced previously. It was suggested that this should be reinstated to allow for sample

surveys to be undertaken. The group considered opportunities to help provide the necessary funding for more diverse forms of member engagement, including that larger projects and those in receipt of specific grants should be required to identify funding from within the project budget to support consultations and an ongoing citizen panel.

RECOMMENDATION 7 – That the Overview and Scrutiny Board recommend to Cabinet that funding for the establishment of a citizens panel is built into future budgets for Consultations.

RECOMMENDATION 8 – That the Overview and Scrutiny Board recommend that officers give consideration to the most robust consultation process available, recognising that sample surveys tend to be more robust and consider the additional costs involved with this.

4. Impact of Social Media on Consultations

The working group acknowledged that social media has altered the context in which public consultations occur, generating rapid commentary, misinformation, and political debate that can influence perceptions before a consultation formally opens. Members agreed that while councillors cannot be prevented from engaging online, all councillors - particularly those in senior roles - should be mindful of how their posts may affect public trust in both individual consultations and the Council more broadly. The group highlighted the different roles of the consultation and communications teams in responding to social media activity in the case of inaccurate or premature information circulating. They emphasised that communications responses should remain factual and signpost the public to the formal consultation process. The group also observed that open consultations are especially vulnerable to mobilisation and amplification via social media activity.

5. Use of plain English and ensuring that surveys are relevant/relatable to people using examples

The group found that it was critical that respondents had all of the relevant information that they needed to respond to a survey, some of the issues identified included: clearer factual content – evidence examples, accessible language and better structured comment boxes. It was acknowledged that different nuances in language may be appropriate for different

consultations or even different questions within a consultation. It was suggested that there was a need for clearer instructions for those completing surveys. However, the group also acknowledged that the new Go Vocal platform may address some of the issues including providing more clarity around comment boxes. The group was also satisfied that the issue of the use of plain English was partially addressed within the code of good practice.