

Policy on Consultation with Residents on Housing Policy/Strategy

June 2023

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1. INTRODUCTION

- 1.1. Dartford Borough Council ('the Council') is committed to ensuring the voice of its tenants and leaseholders is heard on matters that affect them. This means listening to and conscientiously considering their views when making decisions about the services provided and when formulating policy setting out how those services are delivered.
- 1.2. This Policy sets out the Council's approach to consultation with its tenants and leaseholders in the formulation of housing policy and/or strategy. This approach does not replace prescribed consultation processes that may be set out in legislation (for example, consultation processes where a tenancy agreement is varied under s102 and s103 Housing Act 1985).

2. STRATEGIC CONTEXT

2.1. Definitions

- 2.1.1. 'housing policy' means a housing policy and/or a housing strategy, to be implemented by the Council from time to time.
- 2.1.2. 'residents' means tenants and leaseholders.

2.2. Regulatory regime

- 2.2.1. The Regulator of Social Housing places a requirement on social housing landlords to comply with the [Tenant Involvement and Empowerment Standard 2017](#), by ensuring that residents are given a wide range of opportunities to influence and be involved in the formulation of their landlord's housing-related policies and strategic priorities.
- 2.2.2. Following publishing of the Government's [Charter for Social Housing Residents](#) (Social Housing White Paper 2020), there will be a greater focus from the Regulator in the future, particularly around scrutiny and the need to evidence that involvement activities are not only undertaken but that those activities are meaningful.
- 2.2.3. Effective consultation with residents not only assists the Council to meet its regulatory requirements, it ultimately improves services and increases resident satisfaction.

2.3. Relevant Council documents

- 2.3.1. This Policy and its delivery is intended to be compatible with the following Council policies and documents:
 - [Tenants and Leaseholders Engagement Strategy 2023-2026](#) – sets out the path to ensuring tenants and leaseholders are able to have their views taken on board.
 - [Consultation and Engagement Strategy](#) – sets out the overall approach to consultation and engagement activity carried out by the Council.
 - [Equality and Diversity Document Framework](#) – sets out how the Council will meet the Public Sector Equality Duty under the Equality Act 2010. [Customer Access Reviews](#) will be undertaken on all housing policies to assess the equality impact of the policies.

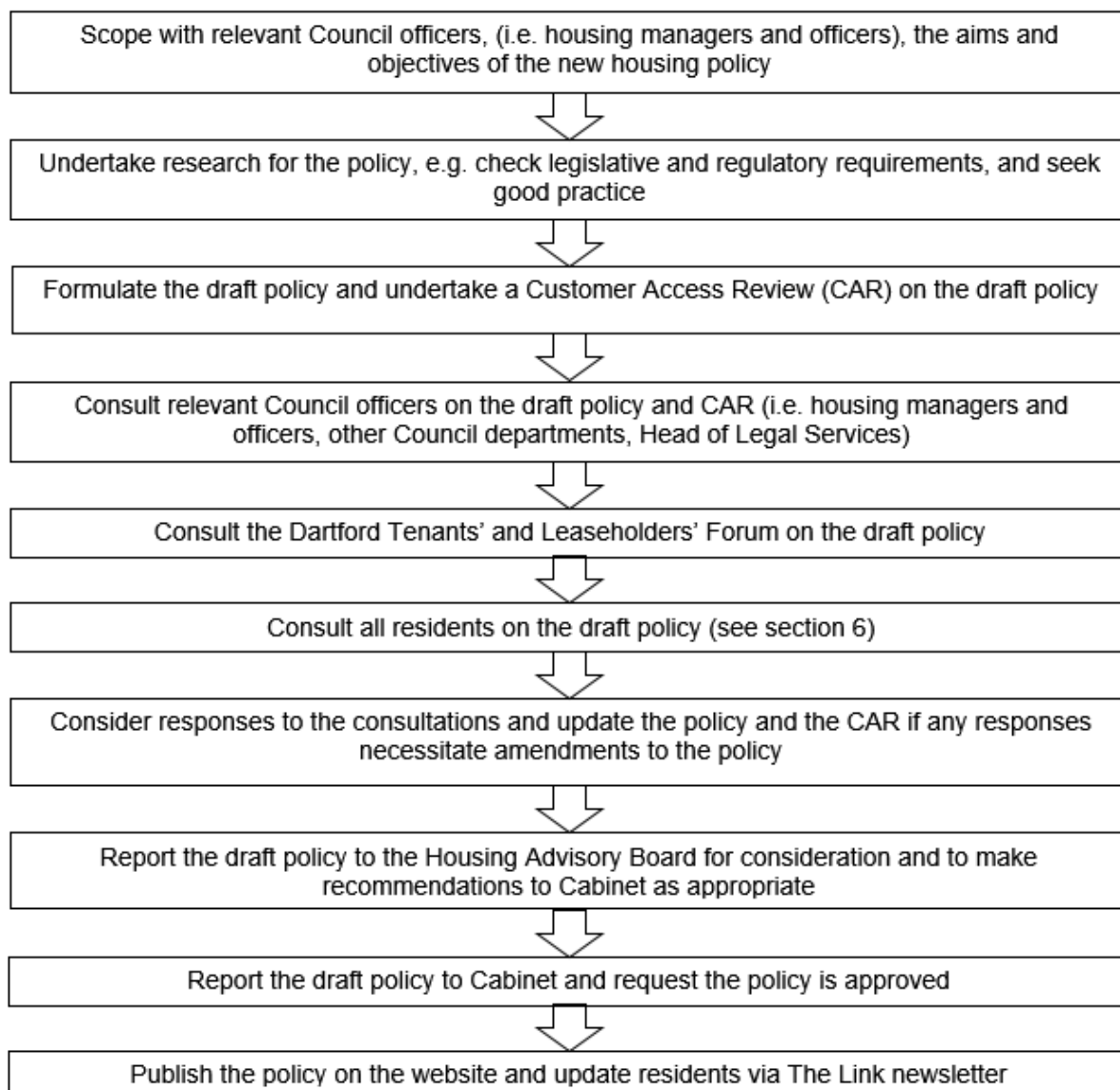
3. CONSULTATION PRINCIPLES

- 3.1. Consultation is the 'dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views, with the objective of influencing decisions, policies or programmes of action'¹. A key element of consultation is using the responses given by residents to inform the decision making process.
- 3.2. The 'Gunning Principles' are a set of four legal rules that the Council must follow when carrying out consultation with residents, to which the approach in this Policy has regard to².
- 3.3. **Gunning 1: Consultation must take place when the proposal is still at a formative stage**
 - 3.3.1. Consultation cannot take place where the decision on which the Council is consulting has already been made. Otherwise, the consultation is not only unfair but the outcome has been pre-determined. Consultation should therefore take place at a stage where responses received can have an impact on the decision, and while the consulting body still has an open mind as to the outcome.
- 3.4. **Gunning 2: Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response**
 - 3.4.1. Residents must be given sufficient information about proposals in order that they can understand what is being proposed and respond accordingly. Therefore the consultation needs to provide enough information to residents for them to be able to make intelligent choice and input in the process.
- 3.5. **Gunning 3: Adequate time must be given for consideration and response**
 - 3.5.1. Residents must have enough time to consider the proposals and provide feedback. Equally, the Council must have enough time to consider representations and make a decision. Time is not the only factor in this principle as residents must have sufficient 'opportunity' to take part.
- 3.6. **Gunning 4: The topic of consultation must be given conscientious consideration**
 - 3.6.1. The Council must show that it has 'given 'conscientious' consideration to responses received before making a decision. A failure to report the views of residents to the relevant Council decision-makers (i.e. Cabinet) can make the process unlawful. If the decision-maker does not properly consider the material produced by the consultation, then it can be said to have made up its mind; or of failing to take into account a relevant consideration.

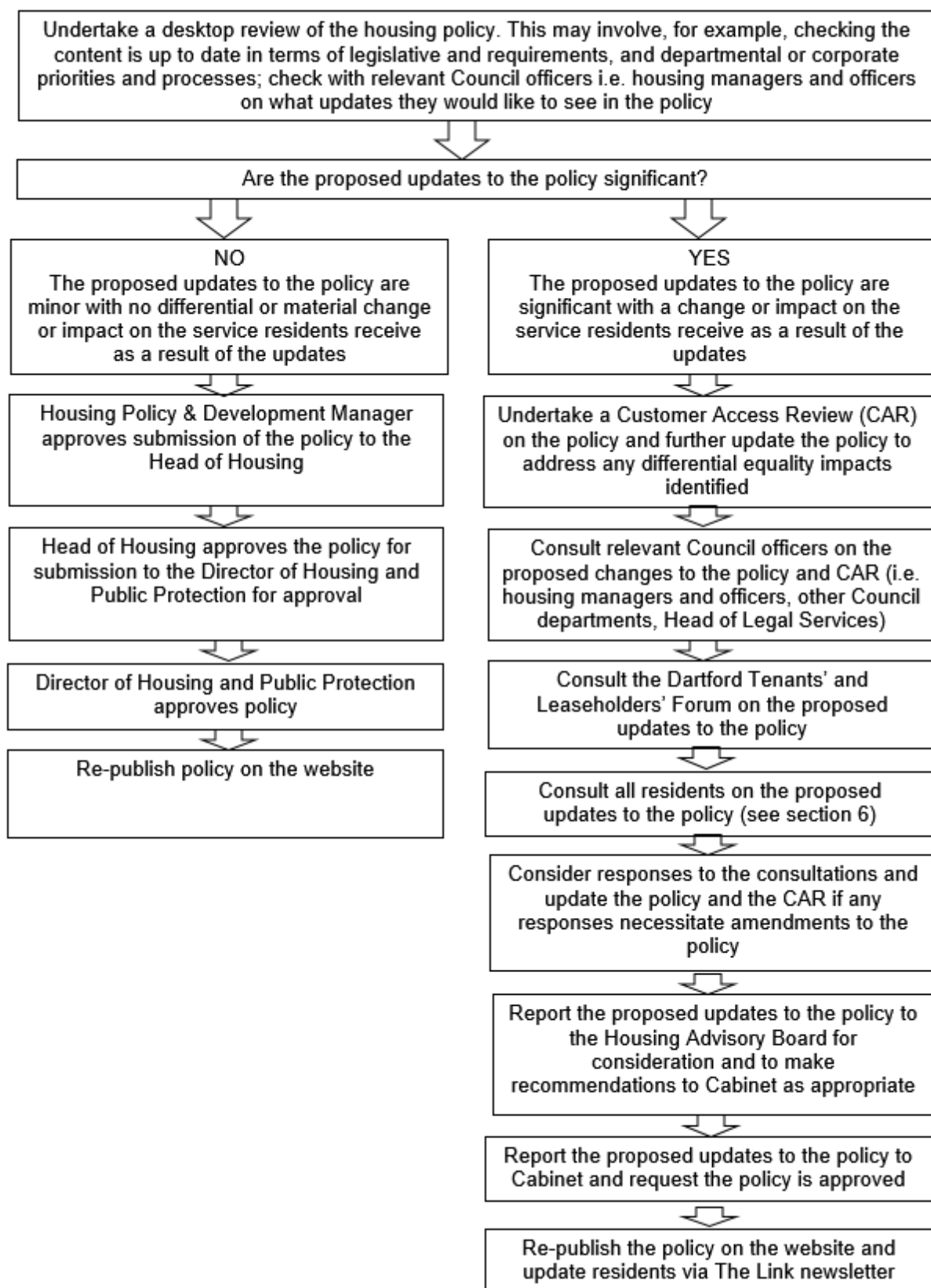
¹ The Consultation Institute - <https://www.consultationinstitute.org/>

² The Gunning Principles originate from R v Brent LBC ex parte Gunning 1985, and were later approved by R v. Devon County Council, ex parte Baker in 1995 and the Court of Appeal under R v North & East Devon Health Authority, ex parte Coughlan in 2001 and R ex parte Moseley v LB Haringey 2014

4. PROCESS FOR DEVELOPING A NEW HOUSING POLICY



5. PROCESS FOR REVIEWING AN EXISTING HOUSING POLICY



6. CONSULTING RESIDENTS ON HOUSING POLICY

6.1. Once a new housing policy is being proposed or an existing policy is to be reviewed and updated with significant changes or impact on the service residents receive as a result of the proposed updates, the Council will consult with all residents to invite their views on the policy.

6.2. Meeting the consultation principles

6.2.1. The consultation process will take place at a **formative stage** of the policy development or review process where there is opportunity for amendments to the policy as a direct result of the consideration of residents views gathered through the consultation (Gunning 1).

6.2.2. Residents will be provided with sufficient information in an accessible and easily interpretable form (as set out below), to enable them to give **‘intelligent consideration’** to the proposals (Gunning 2):

- an explanation of the new draft policy and it's key points, or key updates if it is an existing policy under review;
- a copy of the draft policy;
- a copy of the [Customer Access Review](#);
- a copy of the [Consultations and Surveys Privacy Notice](#);
- information on how residents can provide their views and the closing date for the consultation. Views can be provided through a range of ways including email to housingpolicy@dartford.gov.uk, online, by telephone, or by post;
- advice on how the consultation information can be sent to residents' in hard copy format upon request or viewed at the Civic Centre;
- advice on how information and/or communication needs can be provided in alternative formats, including: Braille, audio tape and large print versions of documents, British Sign Language interpreting and language interpreting services.

6.2.3. The consultation will be open for a minimum period of four weeks to provide residents with **adequate time for consideration and response** (Gunning 3). A longer consultation period may be required if the policy under consideration is, for example, of a particularly complex nature or the amount of information to be considered is lengthy.

6.2.4. When the policy is reported to Cabinet, the views of residents and how they have been considered will be clearly set out in the committee report so that Cabinet can **give ‘conscientious consideration’ to the consultation responses before a decision is made** on whether to approve the housing policy (Gunning 4).

6.3. Raising awareness of the consultation

6.3.1. The Council will raise awareness consultation exercises, through various mediums, for example, through the Council's website, text, emails, social media, Link newsletter, and Council Members (see below).

- 6.3.2. **Website** - The information on the consultation will be accessible on a dedicated consultation page on the Council's website, as well as a link provided on the corporate consultation page.
- 6.3.3. **Social media** - A request will be submitted to the Communications Team to request promotion of the consultation using the Council's social media platforms.
- 6.3.4. **The Link newsletter** - Where timings of The Link newsletter permits (as this is a periodic publication three times a year), the consultation will be promoted via this medium.
- 6.3.5. **Council Members** – Details of the consultation will be communicated to Council Members who may assist to raise awareness of the consultation with residents.
- 6.4. **Consulting the Dartford Tenants' and Leaseholders' Forum**
- 6.4.1. As well as consulting the wider resident population, the Council will consult the Dartford Tenants' and Leaseholders' Forum on housing policy. The Dartford Tenants' and Leaseholders Forum works as a group to ensure that the views and housing needs of residents are recognised and addressed by the Council, and that those needs and views are placed at the centre of the Housing Service delivery.
- 6.5. **Consulting partner organisations**
- 6.5.1. The Council will consult with partner organisations on housing policy, where relevant and where the policy affects them. Where possible, the policy will be peer reviewed, for example, with colleagues in the Kent Housing Group and via its relevant sub-groups.
- 6.6. **Consulting the Housing Advisory Board**
- 6.6.1. The Council will consult the Housing Advisory Board (HAB) (a non-decision making body) on proposed policy, strategy and performance in relation to housing issues. The HAB makes recommendations to Cabinet as appropriate. The membership of the HAB comprises Councillors, representatives of the Dartford Borough Tenants' and Leaseholders' Forum and Council Officers.
- 6.7. **Recording and considering consultation responses**
- 6.7.1. All housing policy consultations will be recorded on the Council's internal Consultation and Engagement database.
- 6.7.2. Every response received on the consultation will be recorded and considered using the Housing Policy Consultation Response Log template (see [Appendix 1](#)).
- 6.8. **Informing residents about housing policy**
- 6.8.1. Following consultation and once a housing policy has been approved, the Council will raise awareness of the policy through The Link newsletter. All housing policies are publically available on the Council's [Housing Strategy and Policy webpage](#) or can be provided in hard copy format upon request.

7. COMPLAINTS

- 7.1. If a resident is not satisfied with the service they have received regarding the application of this Policy, the Council's [Corporate Complaints Procedure](#) can be followed. Complaints leaflets are also available from the Council offices.
- 7.2. The [Housing Ombudsman](#) can be contacted if further advice and support is needed on making a complaint to the Council.

8. DATA PROTECTION

- 8.1. The Data Protection Act 2018 and the UK GDPR regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.
- 8.2. The Council needs to collect and use certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions.
 - [Data Protection Policy](#) sets out how it will protect special category and criminal convictions personal data;
 - [Housing Services \(landlord and tenant\) Privacy Notice](#) explains that the Council collects personal information to administer these services;
 - [Tenants' and Leaseholder' Forum Privacy Notice](#) explains that the Council collect personal information to administer this Forum;
 - [Consultations and Surveys Privacy Notice](#) explains that the Council collects personal information for consultation purposes.

9. EQUALITY AND DIVERSITY

- 9.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this Policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
- 9.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.
- 9.3. A [Customer Access Review](#) has been undertaken to assess the impact this Policy will have on affected persons with protected characteristics.

10. REVIEW

- 10.1. This Policy will be reviewed every three years or earlier to address legislative, regulatory, best practice or operational issues.

APPENDIX 1 - HOUSING POLICY CONSULTATION RESPONSES LOG

Title of Housing Policy	
Consultation open date	
Consultation closing date	

No.	Resident name	Comments	Response	Has the Policy and/or Customer Access Review been updated as a result of the comment? (Y/N) If yes, please list the amendment(s)
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