

CONSULTATION AND ENGAGEMENT STRATEGY

2019 – 2022

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1.0 INTRODUCTION

- 1.1 Dartford Borough Council is committed to providing high quality, cost effective services to the people, who live, work and visit the Borough. In order to do this the Council needs to understand the views and experiences of these groups. This Strategy is designed to set out the principles and standards which the Council will adhere to in terms of involving local people in the design and delivery of services.
- 1.2 The Council recognises that there are a number of national and local issues which will impact upon its approach to consultation and engagement. At a local level, the Borough of Dartford is at the heart of the Thames Gateway. The Council is involved in a series of regeneration projects of national and regional significance, which have a major impact on the lives of local people. The Council is committed to consulting and involving people in the development of the area. The Council also recognises its community leadership role and the role of Councillors as the elected representatives of local people. Consultation and engagement is seen as complementing the local knowledge brought by Councillors and enhancing the democratic role of the Council.
- 1.3 The Council also recognises that it and its partners are the providers of key services in the area. Consultation is an important way of ensuring that public services respond to and reflect the needs of the people that use them. User consultation and involvement is therefore a major driver of improvement.
- 1.4 In some areas, legislation expressly imposes a duty on the Council to engage in some form of consultation before taking a particular decision or exercising a particular function e.g. before adopting or modifying its homelessness strategy, the Council must consult public or voluntary organisations or other persons, as it considers appropriate. In addition, statutory guidance such as the 'Best Value Statutory Guidance' may require the Council to consult. Statutory guidance must be followed, unless the Council has good reason to depart from it. Even where there is no express duty to consult, the courts may imply a duty to consult as part of the Council's general duty to act fairly.
- 1.5 As a 'best value authority', the Council is under a general duty (the 'best value duty') to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness¹. When deciding how to fulfil its 'best value duty', the Council is under a 'duty to consult' local residents, local voluntary and community organisations, small businesses, those who use or are likely to use services provided by the Council, those appearing to the Council to have an interest in any area within which it carries out functions and in the commissioning cycle, including when considering the decommissioning of services. The 'duty to consult' is not optional but a continuing obligation on the Council, unless the Council has good reason to depart from it.

¹ Section 3 of the Local Government Act 1999 (as amended)

1.6 Unless there are statutorily prescribed procedures and subject to the overall requirements of fairness, the Council will usually have a broad discretion as to how a consultation exercise should be carried and what should be consulted upon providing it adheres to the 'Gunning Principles' established by case law (see section 3 below).

2.0 AIMS

2.1 The Council has the following aims for consultation and engagement:

- To ensure that local people have a say on decision-making and service delivery
- To undertake effective consultation and engagement with all communities, including those often seen as 'seldom heard'
- To provide consistent standards of consultation and engagement across the authority
- To ensure the effective use of resources, skills, and experience to reduce consultation fatigue and duplication
- To produce clear guidance and standards for consultation and engagement activity by staff, partners and stakeholders
- To ensure the fulfillment of statutory and policy requirements for consultation and engagement
- To help produce an evidence-informed approach to policy and service development

3.0 GUNNING PRINCIPLES

3.1 The following Gunning Principles are adhered to in relation to consultation and engagement:

- (i) Consultation must take place when the proposal is still at a formative stage;**
- (ii) Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;**
- (iii) Adequate time must be given for consideration and response; and**
- (iv) The product of consultation must be conscientiously taken into account.**

- 3.2 The first principle states that effective consultation cannot take place where the decision on which you are consulting has already been made. However, the Council does not have to consult on all possible options, only those it intends to consider. If the Council has a preferred option it should make this clear to the consultees.
- 3.3 The second principle states that consultees must be given sufficient information about proposals in order that they can understand what is being proposed and respond accordingly.
- 3.4 The third principle is that councils must agree what period of time is appropriate for the consultation exercise at issue. Where there has been prior discussion about the issue, then it may reasonably decide to limit the time for formal consultation. On the other hand, where the information to be disclosed is complex, or not well known to those being consulted, it may consider that a greater period of consultation is called for.
- 3.5 The fourth principle is that the results of the consultation are seen to have been considered by decision makers, when taking any final decision.

4.0 EQUAL OPPORTUNITIES

- 4.1 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Council will have full and proper regard to the Equality Act 2010 when consulting and engaging; aiming to involve all sections of the community to ensure there is an understanding of the impact of its activities and decisions on different people.

5.0 THE COUNCIL'S APPROACH TO CONSULTATION AND ENGAGEMENT

- 5.1 The Council's approach to consultation will be based on three elements:
 - The Consultation and Engagement Strategy which sets out the Council's aims and principles in terms of consultation and engagement.
 - The Consultation and Engagement Toolkit which sets out in detail information for officers on how to plan and organise consultations, legal requirements and standards set by the Market Research Society, how to engage groups that are seldom heard, and how to feed back results and evaluate consultation and engagement exercises.
 - The coordination of an internal database of consultation which will contain details of the Council's consultation activity, the findings from those exercises and how they have been used.