



**REPORTS FOR DECISION BY THE
CABINET MEMBER FOR CORPORATE SERVICES**

Date Issued: **21 May 2009**

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A Record of Decision will be issued following the conclusion of 5 clear working days from the date of issue of the Report

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MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR CORPORATE SERVICES

REPORT OF THE CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Report prepared by Acting Overview and Scrutiny Manager

Date Issued: 21 May 2009

1. Consultation Process

1.1 Issue for Decision

1.1.1 To consider the proposed Consultation Protocol for the Council.

1.2 Recommendation of Corporate Services Overview and Scrutiny Committee

1.2.1 That the proposed Consultation Protocol be adopted by the Council.

1.3 Reasons for Recommendation

1.3.1 The Council receives many requests to participate in, and opportunities to respond to, consultation exercises on a range of issues. These come from a wide range of partners and agencies and can impact upon the Council's aspirations, services and processes.

1.3.2 There is currently no formal process within the Council to ensure that consultations are forwarded to the appropriate officers, responded to or highlighted to Members.

1.3.3 The proposed Consultation Protocol puts in place processes to ensure that consultations are logged and tracked in a central consultation database and dealt with in a consistent manner. The Protocol also ensures that Members are given the opportunity to participate in consultations if they so wish, and that the process for responding to consultations is open and transparent.

1.3.4 To ensure that the Council does not miss the opportunity to respond to important consultation, it will be up to the appropriate Head of Service to ensure that all consultations are logged on the database and dealt with appropriately. The Policy and Performance Team will also regularly review up and coming consultations and refer these to Heads of Service when necessary.

1.3.5 The appropriate Head of Service will consider whether each consultation requires a response from the Council to ensure that those consultations that are not relevant or would offer little value to the Council are filtered out. This will also be noted on the database. Where a response is considered appropriate, the relevant Cabinet Member will be notified.

1.3.6 The consultation database will be reported to all Overview and Scrutiny Committees on a monthly basis to establish whether they wish to be involved.

1.3.7 Freedom of Information requests or other requests seeking factual information on council services will not need to be logged on the database: these will continue to be dealt with through their existing mechanisms.

1.4 Alternative Action and why not Recommended

1.4.1 The Cabinet Member for Corporate Services could decide that the development of responsibilities for identifying and responding to consultation is not necessary; however, this is not recommended for the following reasons:

- Opportunities to be involved with important consultations may be lost;
- There will be no unified way of responding to consultations; and
- Members may miss the opportunity to be involved in the consultation process.

1.5 Impact on Corporate Objectives

1.5.1 The Council's Corporate Plan states: "[i]t is also important that we listen to partners and take government policy into account." The proposals outlined within the report support this.

1.6 Risk Management

1.6.1 There are no risks associated with the proposed Consultation Protocol.

1.7 Other Implications [Insert an 'X' in the boxes below to indicate if the recommendations will have any implications in the specified area]

1.7.1

1. Financial
2. Staffing
3. Legal

- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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Maidstone Borough Council Consultation Protocol – May 2009

1. Purpose of the Protocol

The Council receives many requests and has many opportunities to respond to consultation exercises on a range of issues.

Requests are received from a range of government departments, partner organisations, public service agencies and others.

Many consultations may have an impact upon the Council's aspirations, services and processes; this protocol and the resulting database seek to ensure that the Council is involved in such consultations. The purpose of this protocol is to ensure:

- that the process for responding to consultations is open and transparent;
- that opportunities to be involved in important consultations are not lost;
- that there is an agreed process for responding to consultation; and
- that Members (including Scrutiny Members) can be involved in the process.

This protocol covers:

- Types of consultation and the process for responding to these;
- The responsibility for identifying and responding to consultation;
- Scrutiny and Cabinet Member involvement; and
- The information held on the central consultation database and the tracking process.

However, some consultation exercises are not relevant, could be very time consuming with little value to the organisation, or do not enable the Council to make comparisons with other authorities as part of the drive for continuous improvement. Heads of Service will be responsible for monitoring new consultations and establishing whether the Council needs to prepare a response.

2. Types of Consultation

Consultation documents fall broadly into two types. Firstly, where the Council is asked for factual information on its functions or services, and where in responding there is no view or comment expressed on behalf of the Council. A number of individuals and organisations are now using Freedom of Information requests (for which the Council has a documented process) to obtain information that may have previously been requested through consultation exercises.

The other type of consultation is where the Council is asked for its view and comments on a document, proposals for change or recommendations. For example, this will cover consultation documents issued by Government

departments, the Local Government Association, Regional Associations and other such bodies. The focus ranges from views relating to a specific service area through to the whole of the Council.

A protocol for responding to consultation documents is set out at [Appendix A](#). Consideration needs to be given to how the receipt of documents is monitored, consultation exercises logged and ensuring both Members and officers are aware of the existence of such documents. This should ensure that the Council responds within set deadlines and does not miss opportunities to comment on key consultation exercises.

3. Responsibility for Identifying and Responding to Consultation

To ensure that the Council does not miss the opportunity to respond to important consultation, it will be up to each Head of Service to ensure that all consultations are logged on the database and dealt with appropriately. The Policy and Performance Team will also regularly review up and coming consultations and refer these to Heads of Service when necessary.

Prior to logging the document, the Head of Service will need to assess the implications of the document for the Council, whether a response should be prepared and determine any decision-making process to agree the response.

4. Cabinet Member and Scrutiny Involvement

The consultation database will be reported monthly to Overview and Scrutiny Committees and if they wish to be involved in a consultation exercise this should be initially discussed with the Head of Service. It may be useful in some circumstances for scrutiny to draft a response to go to Cabinet for approval, for example the consultation on “the balance of power between central and local government” carried out by a Parliamentary Select Committee. Scrutiny can respond to consultations as an Overview and Scrutiny Committee but it should be clear when a response is submitted in such a fashion that it is the response of the Overview and Scrutiny Committee and not the Council.

5. Consultation Document Tracking Process

When the consultation document is received it should be logged as soon as possible on the Central Consultation Database by the relevant Head of Service or, if more than one service area, by the Head of Service of the service area most “affected”. The database will be available on the Intranet and will be maintained by the Policy and Performance Team. The information to be logged by the Head of Service will be:

- name of body that has sent the document;
- a short summary of the purpose of the document including a hyperlink to the document if available;
- the deadline for the response;
- whether it is proposed to provide a response;
- name of lead officer co-ordinating the response;
- name of responsible Cabinet Member;

- the process to agree the response in-line with the Consultation Document Response Protocol (as set out in [Appendix A](#));
- the date the response was sent; and
- details of where the response may be found (or a hyperlink to the document itself).

Any new consultation exercises will be published each month as part of the regular performance reports to the Corporate Management Team. This will also be reported each month to each of the Overview and Scrutiny Committees as part of reviewing their future work programmes.

When documents are logged in the Database the deadline for the response will also be entered. In most cases, the timescale for responses will allow for the decision making process to be followed as set out in the protocol attached at [Appendix A](#).

However, there may be times when an urgent response is required or where the timescale does not allow for a report to Cabinet or Council as required. Heads of Service should try to seek an extension to the deadline for a response but, in exceptional cases where this is not possible, then an urgent response can be agreed in-line with the requirements of the Protocol.

When the response to the consultation is dispatched a copy will also be added to the Intranet.

6. Maintaining and Monitoring the Consultation Database

The central consultation database on the Council's Intranet will be maintained and monitored by the Policy and Performance Team.

The Overview and Scrutiny Team will be responsible for reporting consultations to the appropriate Overview and Scrutiny Committee as part of the work programme agenda item each month.

The Overview and Scrutiny Team will also be responsible for ensuring that Heads of Service are notified when scrutiny wishes to be involved in developing/reviewing responses to consultations.

Note: references, and any delegation to Heads of Service, apply also to Directors who may be asked to co-ordinate responses as appropriate.

**Consultation Document Response Protocol
(Key: HS = Head of Service)**

Implications of Document	Process	Decision Making Responsibilities	Comments	Urgent Response (exceptional grounds)
<p>Document seeks comments on proposals that will have implications for the Council's Budget and Policy Framework, or is of major strategic importance.</p>	<p>Log on database - HS</p> <p>Scrutiny Team to review database and alert HS if scrutiny wishes to be involved in the consultation</p> <p>Write report for Cabinet and scrutiny if appropriate (follow usual CMT process for cabinet reports) - HS</p> <p>Enter on database the date response was sent and link to copy of response - HS</p>	<p>Report to Cabinet to agree recommendations.</p> <p>In cases where the Leader of the Council feels that the matter is of significance for the Council the recommended response, as agreed by the Executive, shall be submitted for debate to the full Council. These may be matters which will have significant implications for the Council's budget and policy framework or where the Leader or the Chairman of Scrutiny (with the agreement of the Leader) considers that the matter should be debated by the full Council. If the matter</p>	<p>Scrutiny Committees will be made aware of these documents as they will also receive copies of the consultation database. They may request to have an input into the final response.</p> <p>Consult other relevant members if appropriate.</p>	<p>Agree grounds for urgency with Leader. Agree with Leader extent of consultation with members (email, party group leaders, workshop etc).</p>

Implications of Document	Process	Decision Making Responsibilities	Comments	Urgent Response (exceptional grounds)
		is debated by Council the response will still be sent in the name of the Cabinet, taking into account the views of full Council.		
Document seeks comments on proposals that will have implications for specified Council services, or have resource implications for specific services.	<p>Log on Database - HS</p> <p>Scrutiny Team to review database and alert HS if scrutiny wishes to be involved in the consultation</p> <p>Write report for Cabinet Member and scrutiny if appropriate (follow usual process for cabinet member reports) - HS</p> <p>Enter on database the date response was sent and link to copy of response - HS</p>	Cabinet Member to agree response and agree whether s/he wishes to seek wider members' views (email, workshop etc). The Leader to be notified and have the option to ask that the matter be brought to Executive for decision. In cases where the Leader of the Council feels that the matter is of significance for the whole Executive the recommended response, as agreed by the Cabinet Member, shall be submitted for debate to the Executive; the response will still be sent in the name of the	<p>Scrutiny Committees will be made aware of these documents as they will also receive copies of the consultation database. They may request to have an input into the final response.</p> <p>Consult other relevant members if appropriate.</p>	Agree grounds for urgency with Cabinet Agree with Cabinet Member and Leader extent of consultation with members (email, party group leaders, workshop etc).

Implications of Document	Process	Decision Making Responsibilities	Comments	Urgent Response (exceptional grounds)
		Cabinet Member taking into account the views of the Executive.		
Document seeks factual information on council services.	HS to respond as appropriate including applying FOI if appropriate – do not log on database.	N/A	N/A	N/A