

# **Maidstone Borough Council**

## **External Overview and Scrutiny Committee**

**Tuesday 14 July 2009**

### **Sustainable Communities Strategy: Consultation**

**Report of:** Overview and Scrutiny Officer

#### **1. Background**

- 1.1 At the Committee's last meeting, it was drawn to Members' attention that a resident, Dr J M Speight had raised concerns with regard to the Sustainable Community Strategy Consultation. Dr Speight's letter to the Committee is attached at Appendix A.
- 1.2 The relevant extract from the draft minutes of the meeting is as follows:

"The Chairman highlighted to the Committee a letter that had been received from Dr J M Speight with regard to the Sustainable Community Strategy (SCS) consultation. He requested that the Leader respond to this in his presentation, and that officers be invited to the next Committee meeting to respond to Dr Speight's concerns, particularly with regard to the timescales for consultation. Dr Speight requested that the Assistant Director of Development and Community Strategy be invited to that meeting, and also stated that he was disappointed with the lack of response to his e-mail by the Committee. The Chairman reassured Dr Speight that the Committee was taking the issue seriously.

The Leader of the Council, Councillor Chris Garland, stated that he understood Dr Speight's concerns with regard to his consultation response not being fully included in the SCS consultation. However, Dr Speight's report had included some good ideas, particularly regarding public engagement, which were being considered by officers and the Local Strategic Partnership (LSP) Board. The SCS was an evolving document and these ideas could be worked into future versions. Councillor Garland maintained that the SCS consultation had been both rigorous and robust."
- 1.3 Following their discussions, Members resolved:

"That Dr J M Speight, the Assistant Director of Development and Community Strategy and the Community Planning Co-ordinator be invited to the July meeting of the Committee to discuss the Sustainable Community Strategy consultation".
- 1.4 The Assistant Director of Development and Community Strategy will be on annual leave for the meeting, however the Community

Planning Co-ordinator will be in attendance to discuss the SCS consultation with the Committee and Dr Speight.

2. **Recommendation;**

- 2.1 Members should consider the concerns raised by Dr. Speight and consider what lessons, if any, can be learnt for future Council consultations.
- 2.2 Any recommendations made by the Committee should be referred to either the Leader of the Council, as the Cabinet Member responsible for the SCS, or the Corporate Services Overview and Scrutiny Committee for consideration during its one-off review of the Council's consultation processes.

## APPENDIX A

### To All Members of External Overview and Scrutiny Committee

With regard to Agenda Item 8 for the forthcoming meeting of the External Overview and Scrutiny Committee meeting of 16th June 2009 – Leader of the Council: Plans and Priorities for 2009/10 – I would be obliged if Members of Committee would take note of the following.

As I understand it, one of the areas of the Leader of the Council's portfolio which is of relevance to the External OSC is the *Sustainable Community Strategy*. The Leader bears responsibility for it and for the work of the *Local Strategic Partnership* in delivering the Strategy's objectives.

Before the SCS was taken to full Council on 22nd April, the opportunity to monitor the decision taken by Cabinet on 8th April on the SCS may well have been taken up by the External OSC. Of this I am not sure, since unfortunately webcasting of the meeting of the External Overview and Scrutiny Committee's meeting of 21st April failed to function. I am reliant on the draft minutes. With regard to the Leader of the Council's claim that the *Sustainable Community Strategy* had taken a wholly inclusive approach, I wish in the strongest terms to counter Councillor Garland's assertion. The undertakings of the *Local Strategic Partnership Operational Group* on 7th April, and the Cabinet which dealt with the Management Team's Report on 8th April, do not accord with his affirmation.

To put the matter in perspective, I should point out first of all that at the External OSC meeting of 24th November 2008, Members were led to believe that "the draft plan would go to Cabinet on 14 January 2009, followed by a 6 week public consultation" and that "it would then be amended as necessary and taken to Cabinet in March before being approved by Full Council". A different timetable was announced at the meeting of the External OSC of 17th February 2009. It was then confirmed by Officers that it was intended that the Strategy would undergo six weeks of public consultation, beginning in March 2000, and would be brought back to Cabinet in April 2009. This is where things seem to have gone awry.

In order to secure a 6-week period, prior to the scheduled meeting of the Cabinet of 8th April, the public consultation would have had to have commenced before the end of February, not in March. The *LSP* did not even approve the document for public consultation until its meeting of 5th March. Public consultation actually did not start until 16th March – the Report of the Management Committee to the Cabinet confirms this start-date (thus Members of Cabinet were aware). This entailed a maximum of 22 days. Most damning of all, and quite at odds with the title of Appendix F in the Management Team's Report, viz. "Results of Community Roadshow and On-line Consultation Combined 16th March to 6th April", the content of that appendix dealt with submissions only up to 2nd April. This effectively further reduced the public consultation period to a mere 18 days.

It is perhaps of some relevance that the Council's Constitution states that the Executive will "report to Council on how it has taken into account any recommendations from the Overview and Scrutiny Committee". Whilst the 6-week consultation period was not a specific recommendation of the OSC, it was implicit in its agreement to it, given on 17th February, that this should be

the case. No mention of the reduction in the period of public consultation was announced to Full Council at its meeting of 22nd April. Indeed, the presentation of the SCS to Council was somewhat flawed by the critical absence of the Appendices (pointed out by Councillor Horne) which were listed in the Record of the Recommendation of Cabinet to Council. An examination of these would have revealed to Members of Council that, as regards public consultation, something was amiss.

I was fully aware that the consultation period was scheduled to end on 6th April. I had informed the SCS's Co-ordinating Officer on 2nd April that my representation would not be ready until the closing date. He fully understood that I would submit it on the very last day. I spent considerable time and effort in producing a 25-page submission. The bottom-line is that no account whatsoever was taken of this by Members of the Cabinet at the meeting of 8th April. No written or verbal references were made to my contribution. It is notable that the item of the SCS with its attendant Report was hastily added in an amended Agenda on 7th April, just one day before the Cabinet meeting took place. Quite frankly, if the handling of public engagement by the *LSP* and the Cabinet is not a matter for detailed scrutiny by the External OSC, then I will be even more appalled than I already am by *MBC*'s undertakings. Public engagement is as nothing if Officers and Members abuse it in such an outrageous fashion. I have been in communication with Councillor Garland and have received neither adequate explanation nor apology. The core issue has been persistently evaded in his replies. Whilst he has expressed his dismay that I am aggrieved, not once has he said that he is sorry for any part of the string of circumstances which culminated in the disdainful ignoring of my contribution. I find this deplorable.

My hope is that for once appropriate censure will be meted out to what is quite a large number of people involved in this matter. I do not think I need to point out that the SCS is an overarching document of immense significance. Critical to its credibility is public empowerment through effective engagement.

Dr. J.M. Speight      8th June 2009