



Corporate guidance on consultations, engagement and market research activity

The council's 'Local Code of Corporate Governance' provides guidance on how the council should carry out engagement and consultation activity. One of its core principles is: *Ensuring openness and comprehensive stakeholder engagement*. Further supporting principles refer to the importance of trusted channels of communication and consultation that should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders. This includes:

- Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/courses of action;
- Establishing clear guidance on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes;
- Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs;
- Implementing effective feedback mechanisms to demonstrate how views have been taken into account; and,
- Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity.

The council's [Community Investment Framework](#) provides guidance on the key principles of community engagement, supporting teams to better understand local community needs, and the [Statement of Community Involvement](#) sets out how the council intends to involve the local community in planning issues.

The council's stakeholder engagement can be defined in two strands:

- **Statutory consultation:** This is where there is a requirement to gather insight from the public and stakeholders that are set out in statute by Government / governing bodies.
- **Non-statutory consultation, engagement and market research activity:** This is where there is no requirement specified in statute; however, best practice shows that engaging with the public and stakeholders leads to more informed policy making and better decision-making. This approach can be more fluid and tailored to service needs.

When carrying out any type of consultations, engagement or market research activity, the council adheres to the Government's Consultation Principles¹, which provide general guidance on how consultations should be conducted. These were updated in January 2016 and, although primarily aimed at Government departments, are helpful in the context of the council's work and are included in the existing guidance.

The legal expectations of what is appropriate consultation are outlined in the Gunning Principles, which have resulted from case law, and state that:

- consultation must take place when the proposal is still at a formative stage;
- sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;
- adequate time must be given for consideration and response; and,
- the product of consultation must be conscientiously taken into account.

These points should be adhered to when the council carries out its work to ensure the 'fairness' of the consultation process and avoid a legal challenge.

Ultimately, consultations, engagement and market research activity should take place at the stage when policies can be influenced and views are taken into account. It is necessary first to identify the purpose of the activity to ensure that the procedure then adopted is appropriate.

Where relevant, consultations should include both the proposed option/s and the options that have been considered, and subsequently disregarded. The primary objective is to enable the respondent to have all the information needed for them to provide a meaningful response, irrespective of how the duty to consult has been generated (whether as a result of a statutory obligation or by some other reason).

The following list defines the type of issues that the council has a statutory duty to consult on, and provides some examples, via Directorate, of areas where the council may undertake more informal consultation, engagement and market research activity.

It should be noted that the examples provided under 'Non-statutory consultation, engagement and market research activity' are neither exhaustive nor exclusive. Their inclusion within the list is merely to demonstrate the topics that the council may wish to engage with stakeholder on and is not a formal commitment to do so.

¹ <https://www.gov.uk/government/publications/consultation-principles-guidance>

Borough Services		
Area of work	Statutory Consultation	Non-Statutory consultation, engagement and market research activity
Planning (inc. transport)	Local Plan Supplementary Planning Documents Neighbourhood Plans Community Infrastructure Levy Statement of Community Involvement	Various policies, strategies and plans e.g. Transport / Cycling
Parking	Traffic Regulation Orders	N/A
Licensing	Taxi and vehicle operator licence fee changes	Policy amendments e.g. taxis, Gambling Act, Licensing Act, Sex Establishments, Street Trading, and Charity Collections. Advise/notify where there are legislative changes affecting a particular licensed trade.
Housing	N/A	Various policies, strategies and plans e.g. Housing and Homelessness Strategy, Housing Allocations Policy Social Inclusion Partnership
Natural Environment	N/A	Various policies, strategies and plans e.g. Green Infrastructure Strategy, Tree Policy Crematoriums/cemeteries, allotments, tree works Management Plans Visitor surveys/play parks Implementation of open spaces, parks Environmental renewal schemes
Street Cleaning and Grounds Maintenance	N/A	Street cleaning and fly tipping

Finance and Resources

Area of work	Statutory Consultation	Non-Statutory consultation, engagement and market research activity
Finance	Council Budget Fees and charges	Business rates
Benefits	Council Tax Support Scheme	N/A
Procurement	N/A	Engagement with providers and service users, depending on what is being procured – normally led by service areas. Soft market testing, to inform the tender process.

Borough Development

Area of work	Statutory Consultation	Non-Statutory consultation, engagement and market research activity
Community and Wellbeing	N/A	Various policies, strategies and plans e.g. Community-led Plans, health/wellbeing/sports facilities Wellbeing or community project specific