

	<h2>Policy and Resources Committee</h2> <h3>10th June 2014</h3>
<p>Title</p>	<p>Improving Consultation and Transparency within the Council</p>
<p>Report of</p>	<p>Chris Naylor, Chief Operating Officer and Director of Finance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p><i>Appendix 1) Consultation Strategy</i> <i>Appendix 2) Consultation and Engagement Strategy – Consultation findings</i> <i>Appendix 3) Transparency – Consultation findings</i> <i>Appendix 4) Declaration & Commitment Statement to Transparency</i> <i>Appendix 5) Equalities Impact Assessment for Transparency Declaration</i> <i>Appendix 6) Equalities Impact Assessment for Consultation</i> <i>Appendix 7) Local Government Transparency Code – May 2014</i></p>
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<h2>Summary</h2>
<p>This report outlines plans to improve and formalise the council’s consultation programme, ensuring that Members are fully aware of residents’ views when developing policy and services.</p> <p>It also outlines the council’s plans to improve the publishing of council information allowing residents to better scrutinize the activities and performance of the council.</p>

Recommendations

1. That the Committee approve the Declaration and Commitment Statement to Transparency (Appendix 4)

2. That the Committee approve Consultation Strategy (Appendix 1)

1. WHY THIS REPORT IS NEEDED

- 1.1 Over the coming months, Council Committees will be considering business planning and budgets in order to agree the Corporate Plan and Medium-term Financial Strategy for the period 2015/16 to 2019/20. As set out elsewhere on the Policy and Resources meeting agenda, while there remain opportunities to improve efficiency by changing how the council works, it's becoming clear that there will also need to be many changes in how council services are delivered to residents.
- 1.2 The scale of change and the impact it will have on services means that it is important that residents are assured that the Council has their best interests at heart when making decisions about the future of their services and is committed to involving residents and service users in planning change.
- 1.3 A more systematic consultation strategy and a demonstrable commitment to transparency will be key to this.
- 1.4 Barnet faces a known set of challenges. Resident Perception surveys regularly score the council poorly for involving residents when making decisions and more generally listening to the concerns of local people. Meanwhile research and consultation undertaken during the Priorities and Spending Review noted that those service users most reliant on Council services are the most sceptical about the scale of challenge the Council faces and consequently of the need for change.
- 1.5 In response, the council has developed a programme of activity to support: the building of confidence and community resilience; and to ensure residents are actively involved in the process of decision making about the future of their services. This programme includes:
 - Improvements to consultation and engagement;
 - Measures to boost transparency;
 - Measures to improve customer service standards;
 - Support to the third sector, community groups and local suppliers so that they are better able to participate with the Council in the provision of services

- 1.6 This report outlines plans to improve and formalise the council's consultation programme, ensuring that members are fully aware of residents' views when developing policy and services.
- 1.7 It also outlines the council's proposals to improve the publishing of council information allowing residents' to better scrutinize the activities and performance of the council.

Consultation

- 1.8 In the year 2013/14, the council carried out 38 formal consultations. Most of these were to a high quality with the Children's and Adults' services in particular having regular contact with service users as services change and develop.
- 1.9 However, the council was taken to court under Judicial Review by one resident, who argued that the council had not effectively consulted on the NSCSO and DRS Contracts. Although the case fell and the council was able to proceed with the contracts, several months of savings were lost and the Judges involved in the case, at both initial hearing and appeal, found that the council's model of consultation weak and the national guidelines and legislation vague. There has also been concern that some 'ad-hoc' (i.e. not part of a major work stream) consultations are not run to the high standards of major consultations.
- 1.10 The Consultation Strategy paper (Appendix 1) outlines how the council can have the highest standards of consultation and engagement with residents and how to ensure residents are aware of the consultation processes the council will follow in regard to policy and service changes. It aims to ensure that members are fully informed of the views of residents and other stakeholders when making decisions.
- 1.11 Used alongside an internal toolkit it will ensure that all officers run consultation and engagement to a high standard.
- 1.12 The council has reviewed best practice throughout local government and produced key recommendations:
 - a) **Increase the size of the Citizen's Panel** - the panel is made up of a representative mix of Barnet residents. It is proposed to increase the number of panel members from 1,600 to 2,500. This will increase the response rate, bringing responses close to the statistically significant number of 1,100 (the point where accuracy can be gauged to within plus or minus 3 per cent).
 - b) **Depending on the topic/s this panel should undertake four regular 'quarterly omni-surveys' of residents views on service development or area based workshops**– this will allow regular access to the Citizen's Panel without the panel suffering from 'consultation fatigue'.

- c) **Services to also be encouraged to commission focus groups using the panel to recruit residents to explore topics in depth**
- d) **The council should undertake two Residents' Perception Surveys each year**
- e) **All service consultations should be quality controlled by the Commissioning Group**
- f) **Each consultation should report conclusions back to participants – “we asked, you said, we did”**
- g) **The council should publish a forward plan for consultations**
- h) **The council should publish an annual review of consultation**

Several of these proposals are in hand. The council is about to publish the first sixth monthly Resident Perception Survey and has been improving the reporting back on consultations over the past year.

Transparency

- 1.13 The use of government information and raw data has developed dramatically over the past decade and this council has already made great strides to becoming an exemplar of open data. The contracts with Capita, which in the past might have been available to a few people with the time to visit the council building, are now available online with minimal redaction.
- 1.14 Greater transparency of public bodies is at the heart of enabling the public to hold politicians and public bodies to account. Where public money is involved there is a fundamental public interest in being able to see how it is being spent, to demonstrate how value for money has been achieved, or to highlight inefficiency.
- 1.15 The council is committed to publishing information in such a way that allows the public to hold the council to account, demonstrating a commitment to public scrutiny. The council already publishes performance data, key contracts and details of payments over £500. The council provides an e-mail alert system for residents covering planning and licensing applications and the introduction of the single customer account has, over time, the potential to allow the council to tailor information to the specific interests of each registered account holder.
- 1.16 With data easily processed by outside agencies or companies, data held by the public sector can have an economic and social value beyond that identified or achievable by the council. Much of Transport for London's raw data is published in real time allowing third party creation of apps widely

used by London residents, but developed at no cost to the taxpayer. The council already provides details of traffic management orders to the makers of “Appy Parking” for example.

- 1.17 It is proposed to publish information currently held by the council in raw data form. This will be published on a specific platform for which funding has been obtained from the Local Government Association.
- 1.18 The proposed declaration and commitment statement for Transparency (Appendix 4) and the attached Transparency consultation (Appendix 3) demonstrate the council’s awareness that public use of data has changed and information that can be made public should be. While following / adhering to the council’s responsibilities within the Data Protection Act there is still scope to publish information widely.

Key proposals

- A published commitment to transparency (Appendix 4)
- The creation of a data portal, allowing for the publication of raw data.
- Commitment to transparency across the organisation by engaging Transparency Champions within each DU

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Council needs to formalise its consultation procedures to ensure residents are fully engaged and participate in their future
- 2.2 The Council needs to present information and data in a fashion that is most useful to residents, in line with the Governments approach to transparency

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Council has explored best practice in Local Government in developing these proposals. A lack of clarity on consultation processes could leave the council open to legal challenge and could result in councillors making decisions without the full views of a representative group of residents or service users
- 3.2 The alternative is not to have a declaration on transparency. This is not recommended due to the Councils pledge to be an exemplary council and commitment to being transparent. The council already publishes over and above the Local Government Transparency’s Code suggested minimum requirements. (Appendix 7)

4. POST DECISION IMPLEMENTATION

- 4.1 Following the committee’s approval of the Declaration and Commitment Statement to Transparency (Appendix 4), the declaration would be published on Barnet council’s web page and identified officers will drive to embed a

culture of transparency throughout the council, whilst pushing harder to explore newer and fuller ways to be transparent.

- 4.2 The council will increase the size of the Citizens' Panel, identify those elements of the coming council business programme that need public consultation and engagement and ensure they meet the standards as outlined in this strategy. The council will also publish an annual report and a forward plan of consultation.

5. IMPLICATIONS OF DECISION

Corporate Priorities and Performance

- 5.2 The council openly declaring its commitment to transparency will make it more accountable and provide the necessary drive in ambition to deliver upon its commitment to improving services to residents.
- 5.3 A commitment to transparency is an enabler for the Health and Wellbeing Strategy goals; to improve health and health/welfare services, promote integration of health and social care, hold services to account, and to engage the public. It is their ambition that individuals, commissioners and providers will be able to access clear, transparent information about the quality of the care they are buying or providing, including the experience of users and carers. Individuals, families and carers can therefore make informed choices, and there are incentives for providers to drive continuous quality improvement.

Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.4 There are no financial implications to the council declaring its commitment to transparency.
- 5.5 Increasing the size of the Citizens Panel will cost approximately £40,000 per annum. This will be funded from within existing Commissioning Group resources.

Legal and Constitutional References

- 5.6 The Council is required by statute to consult on some matters and in such cases the relevant statute sets out some minimum requirements for consultation. In other matters though there is no statutory requirement, the Council will consult under public law principles, that is generally where there is an expectation that it will consult on matters as it has done so previously or when the matter will have a significant impact.
- 5.7 There are no legal issues associated with the council publicly declaring its commitment to being openly transparent. However it does reinforce the council's vision and ambition to exceed the Local Government Transparency Code. The Code is issued by the Secretary of State for Communities and Local Government in exercise of this powers under section 2 of the Local

Government, Planning and Land Act 1980 to issue a Code of Recommended Practice (the Code) as to the publication of information by local authorities about the discharge of their functions and other matters which he considers to be related.

- 5.8 The terms of reference of the Policy and Resources Committee are contained in the Constitution, Responsibility for Functions, Annex A.

Risk Management

- 5.9 There is a medium-high risk to the council's reputation in not being openly transparent.
- 5.10 A lack of clarity on consultation processes could leave the council open to legal challenge and could result in councillors making decisions without the full views of a representative group of residents or service users.

Equalities and Diversity

- 5.11 A separate Equality Impact Assessment has been completed and is attached to this paper for both Consultation (Appendix 6) and Transparency (Appendix 5).

Consultation and Engagement

- 5.12 Consultation Questions

Two separate consultations were carried out to:

- Inform the Transparency Strategy and ascertain residents' views on what type of data and in what format residents would like the council to publish its' data (Appendix 3). The consultation also asked residents if there was any information they felt the council could publish to support economic and business development in the borough or help in their day to day life.
- Secondly, to ascertain resident views on the council's draft Consultation and Engagement Strategy (Appendix 2), in particular to find out if residents agreed with: the key recommendations, the principles, and standards set out in the strategy. The consultation also asked residents if they felt that the strategy clearly communicated the role of consultation and engagement in the council, and how their views obtained from consultations fed into the decision-making process.

- 5.13 Consultation methods:

- Both consultations ran for six weeks, from the 4th March to 13th April 2014.

- The consultations were published on the council's engage space where residents were invited to submit their views via online survey. Paper copies were also made available on request.
- The consultations were widely promoted through a press release; Community Barnet's newsletter, e mailed to 900 individual residents, and extensively promoted via Facebook and through weekly tweets to the council's 7,000+ followers.

5.14 Consultation Feedback

Despite repeatedly promoting the consultations both had a low response. However, the responses were consistent with other policy type consultations that do not affect residents directly.

Findings from both consultations can be found in Appendix 2 and 3

5.15 Transparency specific

Further consultation and engagements are planned after the launch of the Open Data Portal and the initial publication of data.

6 BACKGROUND PAPERS

- 6.1. There are no previous decisions that relate to this document.