

Consultation Protocol

Purpose of the Protocol

In recent years there has been a significant increase in the extent to which government, at all levels, and other public bodies consult the Council on a range of issues. This Protocol is proposed to enable transparency in the process and ensure that members are given the opportunity to comment on consultations that may impact on this Council, its services, processes or aspirations.

The Constitution currently allows Directors and Portfolio Holders to respond to consultation documents. This Protocol proposes limits to the delegation and sets out the decision making process to be followed as appropriate for the relevant document.

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 comments expressed on behalf of the Council.

The other type of Consultation is where the Council is asked for its view and comments on a document. As an example, this will cover consultation documents issued by a Government department, Local Government Association, Regional Association and other such bodies.

A Protocol for responding to consultation documents is set out in Appendix A, but it is important that the receipt of documents is monitored and both members and officers are aware of the existence of such documents. Therefore the following tracking process is proposed.

Consultation Document Tracking Process

1. When the Consultation document is received it should be logged as soon as possible in a Central Consultation database by the Director of the relevant service area or, if more than one service area, by the Director of the service area most “affected”. The database will be available and maintained by Democratic Services. The information to be logged by the Directors will be: name of body who has sent the document, a short summary of the purpose of the document, the deadline for the response, name of lead officer co-ordinating the response, name of responsible Portfolio Holder and the process to agree the response in line with the Consultation Document Response Protocol, the date the response was sent and finally details of where the document may be found (or a hyperlink to the document itself).
2. Prior to logging the document, the Director will need to assess the implications of the document for the Council, as this will determine the decision-making process to agree the response.
3. The information held on the database will be published each month on the District Executive agenda alongside the Executive Forward Plan. It will also be reported each month to Scrutiny Committee as part of their monthly monitoring of the Forward Plan.
4. 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. However, there may be times when an urgent response is required or where the timescale does not allow for

a report to District Executive or Council as required. Directors 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.

Appendix A

Consultation Document Response Protocol (Key: D = Directors; DSS = Democratic Services Specialist)

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>	<ul style="list-style-type: none"> - Log On Database. D - Include on Forward Plan DSS - Write Report for District Executive D (follow DX clearance process - clear with PH, Finance, and then submit to Senior Leadership Team). - Enter on database date response sent and link to copy. 	<p>Report to District Executive 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 is debated by Council the response will still be sent in the name of the Portfolio Holder taking into account the views of full Council.</p>	<p>Scrutiny will be made aware of these documents as they will also receive copies of the consultation database alongside the Forward Plan.</p> <p>Consult other relevant members if appropriate e.g. Theme Adviser.</p>	<p>Agree grounds for urgency with Portfolio Holder and Leader, and why timescale not allow time for report to DX. Agree with PH and Leader extent of consultation with members (email, party group leaders, workshop etc). To meet deadline, and with agreement of Leader, PH agree response to be published on Exec Bulletin and through that for information to DX/Council</p>
<p>Document seeks comments on proposals that will have implications for specified Council services, or have resource implications for specific services.</p>	<ul style="list-style-type: none"> - Log On Database. D - Include on Forward Plan DSS - Write Report for Portfolio Holder to agree. D 	<p>Portfolio Holder to agree response and agree whether he wishes to seek wider members' views (email, workshop etc).</p> <p>The Leader to be notified and have the option to ask that the matter be brought to District Executive for decision. In cases where the Leader</p>	<p>Scrutiny will be made aware of these documents as they will also receive copies of the consultation database alongside the Forward Plan.</p>	<p>As this response is only to be agreed with Portfolio Holder, even if an urgent response is needed, it must still be published on Exec Bulletin and through that reported for information to DX and Council</p>

Implications of Document	Process	Decision Making Responsibilities	Comments	Urgent Response (exceptional grounds)
	<ul style="list-style-type: none"> - Pass to Democratic Services for publication on Executive Bulletin. D - Enter on database date response sent and link to copy. 	<p>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. Response to be sent in name of Portfolio Holder taking into account the views of full Council.</p>	<p>Consult other relevant members if appropriate</p>	
<p>No implication for policies or services and proposals are within existing policies and procedures. Primarily factual response.</p>	<ul style="list-style-type: none"> - Log On Database. D - Enter on database date response sent and link to copy. 	<p>Directors may respond subject to agreement of Portfolio Holder. Response to be sent in name of Directors.</p>	<p>Portfolio Holder will agree if there needs to be any wider consultation with members although as this is a factual response this would be unlikely.</p>	<p>As an officer response, should be able to meet any deadlines.</p>
<p>Area specific consultation with no Council wide, strategic implications and no resource implications.</p>	<ul style="list-style-type: none"> - Log On Database. D - Enter on database date response sent and link to copy. 	<p>Director Service Delivery may respond subject to the agreement of the Area Portfolio Holder. Response to be sent in name of Director.</p>	<p>Area Portfolio Holder (in consultation with ward member/s if appropriate) will agree if there needs to be any wider consultation with members and whether the response should be approved by the Area Committee.</p>	<p>As an officer response, should be able to meet any deadlines.</p>