

COUNCIL BUSINESS COMMITTEE

Process for Dealing with Consultation Papers 24th May 2006 Report of Head of Democratic Services

PURPOSE OF REPORT

To consider the options for dealing with consultation papers and agree a process for implementation.

This report is public

1. RECOMMENDATION

That a process for responding effectively to consultation papers be agreed for immediate implementation.

2. CURRENT PROCESS FOR RESPONDING TO CONSULTATION PAPERS

- 2.1 Prior to May 2004 decisions had been taken by the Chief Executive and relevant Review Board Chairman on whether or not the Council should respond to consultation papers and if so whether this should be referred to Political Groups and non-aligned Members to respond individually or to officers to prepare a draft response for Council's consideration.
- 2.2 With the introduction of the new Overview and Scrutiny structure however a change was required which provided the opportunity to consider further options to improve the effectiveness of the process and in June 2004 the following process was introduced: (Council Minute 27(2004/05) refers).
- (1) That on receipt of any consultation papers, the Chief Executive, Chairman of Overview and Scrutiny Committee, Vice-Chairman of Overview and Scrutiny Committee and Leader of the Council decide whether the Council should respond and how a response should be agreed.
 - (2) That, if it is decided that a response should be made, the consultation paper be either referred to political groups and non-aligned Members to respond individually, to officers to prepare a draft response for Council's consideration, for officers to respond directly or other variation at the discretion of those consulted.
 - (3) That, where there is no agreement between the Members consulted, the Chief Executive act on the majority view.
- 2.3 The process to decide whether or not a response is required is managed by a Senior Officer in Democratic Services who also then co-ordinates the preparation of a response by the most appropriate officer for approval in accordance with Member instructions. Where the consultation paper is mostly related to technical issues an

officer response is usually agreed with the approval of the relevant Cabinet member being sought where there is reference to matters of policy.

- 2.4 It should be noted that there are a large number of consultation papers published particularly by central government and resources do not always permit a worthwhile response to be prepared in the time allowed and it is often therefore necessary to prioritise and respond only where the Council has particularly strong views.
- 2.5 It has now been agreed that responsibility for consultation papers should fall to the Council Business Committee and it is necessary to consider the options for managing this process.

3. OPTIONS TO MANAGE THE PROCESS FOR RESPONDING EFFECTIVELY TO CONSULTATION DOCUMENTS

- 3.1 There are 2 stages to the process to respond to consultation papers:

Stage One

To determine if a response should be made and if so which of the options in Stage Two should be pursued to prepare and approve a response

Stage Two

To approve the response.

The options available for each stage are listed below:

- 3.2 Stage One – options -

- i. The Committee makes the decision at a meeting
- ii. The decision is delegated to the Chief Executive in consultation with all Committee Members – this would be undertaken electronically with strict deadlines for response
- iii. The decision is delegated to the Chief Executive in consultation with a small number of Committee Members such as the Chairman, the Chairman and Vice-Chairman or a small number of members nominated by the committee for the purpose – this would be undertaken electronically with strict deadlines for response
- iv. The decision is delegated to the Chief Executive

- 3.3 Stage Two – options –

- i. The Committee approves a draft response prepared by officers submitted to a meeting
- ii. The Chief Executive approves a response having consulted all Members of the Committee electronically
- iii. Approval of a response is delegated to:
 - a small sub-committee of say 3 Members of the Committee
 - the Chairman of the Committee
 - the relevant Cabinet Member
 - the Chief Executive

- iv. Refer the preparation of the response to individual political groups if required

4. OPTIONS ANALYSIS

4.1 Stage One – options -

- i. The timescales required to submit a report to a meeting of the Committee even if this were to meet frequently make this option unrealistic to enable responses to be prepared to meet deadlines.
- ii. The use of electronic methods of consultation mean that this option can be utilised on a regular basis with additional urgent contact where particularly short deadlines are imposed. It would rely upon all Members of the Committee reading and responding to emails on a regular basis and a strict time limit for response would need to be imposed. The method has the advantage of allowing Member views to be taken into account on a PR basis. A regular report would be submitted to the Committee on decisions made.
- iii. Whilst consulting a smaller number of Members could be seen as a benefit, the advantage of the involvement of Members on a PR basis would be lost.
- iv. The Chief Executive is in a position to be aware of or to take advice from the appropriate officer on the relevance to the Council of particular consultation papers. He can also take a view as to whether resources are readily available to prepare the necessary response. However there would be no member involvement in deciding whether or not a response was required.

4.2 Stage Two – options –

- i. The Committee approves a draft response prepared by officers submitted to a meeting
- ii. The Chief Executive approves a response having consulted all Members of the Committee electronically
- iii. Approval of a response is delegated to:
 - a small sub-committee of say 3 Members of the Committee
 - the Chairman of the Committee
 - the relevant Cabinet Member
 - the Chief Executive
 - any other relevant individual or body of the Council

It would be possible for any of the above options to be available as a choice in deciding that a response should be prepared. Option (i) could only be utilised where there was sufficient time available, although for the type of issues where members may wish to debate a response this is often the case. Options (ii) and (iii) would both involve consultation by email which as in Stage One, option (ii) above would rely upon all Members of the Committee reading and responding to emails on a regular basis and a strict time limit for response would need to be imposed. The method has the advantage of allowing Member views to be taken into account on a PR basis. This is more likely to be important in matters of policy rather than the more technical consultation papers often published.

A report on consultation responses could be submitted to the Committee meeting on a regular basis, resulting in the Council's responses being made publicly available via the Committee Management system on the internet.

5 OFFICER PREFERRED OPTION

5.1 In Stage One, Option (ii) allows the involvement of Members on a PR basis, giving the opportunity for all Groups to request that a response be prepared. Provided that Members respond to the email consultation and/or accept that there needs to be a quick turnaround and cut off date for their response this option can be readily managed by Democratic Services.

5.2 In Stage Two, all the options listed can be available as choices once it has been determined that a response is required. Members should be aware however that on occasions resources may not be available in the relevant service to prepare a response without affecting other work and it will be for the Chief Executive to prioritise should this occur.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

There are no direct implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no comments to add.

LEGAL IMPLICATIONS

There are no direct legal implications as a result of this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments to add.

BACKGROUND PAPERS

None

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