

Draft Terms of Reference - Public consultation and Engagement Exercise

Background –

Derbyshire Dales is a small predominantly rural district council covering a large geographical area, and with a mix of different population densities, facing a variety of issues, some of which are shared (eg climate change, cost of living), others of which are particular to locations and communities (Peak Park conservation issues, strategic housing sites, quarry remediation). Others are shared but nuanced according to location (impact of tourism, inadequate infrastructure, public toilet provision).

The Council carries out regular and routine consultation exercises using;

1. Residents survey every 2 years. Marketing Means were appointed to undertake this year's Residents Survey, and this generated 1,977 responses, well in excess of the 1,500 target response. Within this is a specific 'Have your say' section.
2. Focus groups with members of the public also took place in 2023 on 25 July (Matlock) and 26 July (Ashbourne).
3. The Council also runs an On-line panel.

Issues –

However, there is concern that effective, meaningful, relevant and inclusive consultation could be achieved to higher standards of precision, on specific issues of community concern; examples of this include the Ashbourne Air Quality Action Plan, Traveller and Gypsy temporary site locations, and going forward, the Revised Derbyshire Dales Local Plan.

Derbyshire Dales residents themselves suggest that 'listening to residents' could be improved (Marketing Means 2023 Survey indicates 13% agree with this statement). There is a concern that the Council may be missing out on the concerns and opinions of those who are not currently engaging with these processes, and that the Council could build on its evidence base before making decisions by acknowledging residents' contribution of knowledge and expertise.

Overall aim –

The overall aim of the Scrutiny investigation is to enable the Council to learn from lessons both within the authority's direct experience, but also from good practice elsewhere, to ensure effective, cost-effective, inclusive and meaningful information is derived from carefully planned consultation.

Purpose –

‘Better’ public consultation should in turn lead to greater levels of confidence among residents that consultation is being reflected in good decision-making, as part of a wider range of engagement methods, and alongside consultation with statutory bodies. In particular, it will improve future consultations on the Derbyshire Dales Plan, and on the Revised Derbyshire Dales Local Plan.

As well as being a ‘good’ in its own right, better public consultation is an important Progressive Alliance priority. It is imbedded in the stated core aim of ‘Creating a more caring and responsive District, looking after vulnerable groups for which the Council has responsibility and in the manner that the Council interacts with the Derbyshire Dales community’.

Approach –

Fact-finding.

1. Examine example of recent public consultation exercises in Derbyshire Dales and assess effectiveness. This could be done to benchmark against the Gunning Principles of good consultation (Appendix 1 below) and the Government’s Principles of Good Consultation (Appendix 2 below)
2. Interview DDDC officers and consultants on their experience of the effectiveness of DDDC consultation, and consultation carried out on behalf of the authority.
3. Study a select range of comparable studies in nearby authorities facing similar situations and issues, and examine effectiveness of outcomes.
4. Interview other stakeholders: residents, Derbyshire Dales councillors, town and parish councillors about consultation.
5. Identify reasons why people do not always engage in DDDC consultations, and whether this leaves issues and concerns hidden, and seek means to overcome discouragement.
6. Consider ways to objectively evaluate the local knowledge and expertise of residents.
7. Compile a fact-finding report.

Assessment.

1. Using evidence of DDDC approaches to public consultation to date, compile a short report identifying areas for improvement
2. Actions that can be taken to improve these

3. Standards to be followed in future public consultations
4. Whether additional resources should be provided
5. A concise and effective process of review

Draft reporting.

1. Preparation of a draft report by the Scrutiny committee.

Final reporting.

1. Review of the draft Scrutiny report.
2. Preparation of the final report and issue to Council for approval noting actions required of DDDC.
3. Formal approval by Council and adoption of approved recommendations.

Refs- (<https://www.northyorkshire-pfcc.gov.uk/content/uploads/2016/10/Research-support-for-public-consultation-ITQ.pdf>)

(1) The Gunning Principles of good consultation are:

- 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
- the product of consultation must be conscientiously taken into account.

Recent case law has also added two further principles:

- the degree of specificity regarding the consultation should be influenced by those who are being consulted;
- the demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit.

(2) Government Consultation Principles 2016:

Consultations should be clear and concise

Use plain English and avoid acronyms. Be clear what questions you are asking and limit the number of questions to those that are necessary. Make them easy to understand and easy to answer. Avoid lengthy documents when possible and consider merging those on related topics.

(3) Crystal mark Clarity approved by the Plain English Campaign

<https://www.plainenglish.co.uk/services/crystal-mark.html>