

## **OVERVIEW & SCRUTINY**

**DATE OF MEETING:** 15 MARCH 2016

**TITLE OF REPORT:** REVIEW OF THE WITHDRAWN HOUSING  
OPTIONS CONSULTATION

**Report of:** Chairman of Overview & Scrutiny

### **I PURPOSE OF REPORT**

**1.1** This report provides an overview of the findings of the working group set up by Overview & Scrutiny with the remit to review:

- a. How decisions were made to approve and authorise the Refined Housing Options Consultation going 'live' in November 2015.
- b. How decisions were made to alter consultation documents part way through the consultation process.
- c. On what basis and rationale were decisions taken to withdraw the consultation.
- d. Identify actions that the Council should take with regards to future consultation exercises and suggest improvements to the process.

### **2 RECOMMENDATION**

- 2.1** Cabinet should consider whether the Council should adopt a code of practice to guide how future consultation exercises are undertaken. As an interim, the Joint Chief Executives should draw up and communicate to all officers' clear guidance about how to conduct a consultation.
- 2.2** Staffing Committee should review the current Council structure to ensure that we have sufficient senior management support particularly at a time when the Council is undertaking significant projects and other areas of work.
- 2.3** The Joint Chief Executives should take a view on whether any training, capability or disciplinary action should be taken in respect of the findings of this report.
- 2.4** A document naming convention should be established for all documents saved by officers. The Council should expedite the introduction of SharePoint for document version management.
- 2.5** The processes for publishing on the Council website should be reviewed with the introduction of a two person check for any changes prior to publication
- 2.6** When developing the timeline for future consultation exercises part of the process should include the user testing of documents and ensure wording has been reviewed as plain English.

### **3 BACKGROUND**

- 3.1** As part of developing a Local Plan, in August 2014 the Council published a Housing Development Options Report and a public consultation exercise took place. In November 2014 full Council meeting agreed a preferred “Housing Distribution Strategy Subject to Testing”.
- 3.2** By the autumn of 2015, based on legal advice and discussions with planning specialists a decision was made that a further consultation exercise should take place. This would clarify and include details of the areas where the Council proposed to put housing development during the plan period. The wording and content of the documents used for the consultation were developed by Officers with input from members via Cabinet and the Local Plan Steering Group. The final version of the wording was circulated to members on the 21<sup>st</sup> November and the consultation commenced on 27<sup>th</sup> November 2015 with the consultation period scheduled to finish on 15th January 2016.
- 3.3** During the first two days after the consultation was launched there were minor changes to iron out an inconsistency in the wording in the document. These were agreed with the Leader of Council.
- 3.4** On 6<sup>th</sup> January a telephone call was received by the Council’s planning policy team from a resident from Dogmersfield asking for clarification as to what the impact of the various options had on Dogmersfield. and Crookham Village. The question had been raised as neither settlement was mentioned in the questionnaire provided.
- 3.5** During an informal conversation a senior planning policy officer mentioned the call to the Joint Chief Executive, Daryl Phillips [DP]. DP stated that he did not see it as a major issue, that there was no need to do anything at the time but that it could be reported as a factor to take into consideration when interpreting the findings from the consultation.
- 3.6** A senior planning policy officer subsequently decided that the response form provided online should be amended to include Dogmersfield and Crookham Village. Other officers, in accordance with the senior planning officer’s instructions, updated a word version of the document and this was published on 6<sup>th</sup> January. The form that was updated and published was an earlier draft version of the document and apart from that new wording including Dogmersfield and Crookham Village, contained a number of other differences to the previous published form.
- 3.7** By Monday 11<sup>th</sup> January it became clear that there was an error contained in the form available on the website. An email was received from a resident to DP and made a Freedom of Information request about changes to the consultation document, and a local community group, “WeHeartHart”, sent an email to all Councillors and DP raising the issue of a discrepancy on the Council website.

- 3.8** As DP was now on annual leave and out of the country, Patricia Hughes [PH] Joint Chief Executive instructed that the previous wording should be reinstated. This course of action was supported by an email from DP.
- 3.9** On Tuesday 12<sup>th</sup> January advice was requested from the Head of Planning of a neighbouring local authority. A meeting of officers and the Leader of the Council concluded that the wording on the form should stick with the amended “corrected” version subject to legal advice. Information was also gathered as to how many of the response forms had been received in response to the consultation. This revealed that approximately one third of the total received by the Council had arrived after January 6.
- 3.10** On Wednesday 13<sup>th</sup> January legal advice was received confirming that the consultation should be withdrawn as its findings could be subject to challenge. Senior officers supported the advice and asked Cllr Stephen Parker as Leader of Council to sanction the decision, which he did.
- 3.11** On Thursday 14<sup>th</sup> January a press release was issued notifying that the consultation exercise had been withdrawn and the online form was removed from the website.

## **4 CONSIDERATIONS**

### **4.1 Management Stretch**

The interviews that the working group conducted revealed that during the first half of January there was significant demand on management time. In addition to the consultation exercise the Council was involved in the final stages of agreeing a major outsourcing agreement of services. The Joint Chief Executives split areas of responsibility so that in addition to their usual duties, PH focussed on the outsourcing agreement, and DP the Local Plan. The senior management capacity means that the planning policy team reports to DP.

### **4.2 Basis on which the decision to change the wording on the form provided on the council website was made**

The decision to change the wording was made by an officer within the planning policy team who took a view that it was sensible to make the amendments. There was no instruction or encouragement to change the wording from either Chief Executive or the Leader of Council.

### **4.3 Lack of a Consultation Policy or Code of Practice**

The Council does not have a published policy on how to manage public consultations. This is not particularly unusual and other neighbouring local authorities do not have published policies. However, an online review indicates that it is considered good practice by some other local authorities. The guidance provided in HM Government Code of Practice on Consultation would be a good place for the Council to start to develop a policy.

Having a policy in place based on the Code of Practice would not necessarily have affected the decision by the officer to amend the form part way through the consultation exercise.

The most regular feedback that the working group received when asking for learning points was that the Council should ensure that all officers are clear that wording in documents provided as part of a consultation should not be changed once the consultation has started.

**4.4 Publication of documents on the council website**

The Council does have a documented process as to how documents and other content are published on the website. Each department has a webmaster responsible for looking after their part of the site. There is a smaller Admin Team that is able to make wider changes and Super Users who are responsible for the overall site. The current policy does not include a process where content that is to be published is checked and signed off by a second person. The officers within the Planning Policy team followed the current policy in terms of making the changes to the website relating to the consultation exercise

**4.5 Document Management**

The Council does not have a consistent document naming convention or a written process/policy as to how documents should be saved and maintained. As such employees do not have certainty that they are working on the most current version of a document. Whilst the Council does have shared folders there are often multiple versions of a document saved, albeit that in this instance this issue related only to the questionnaire and not the Options Consultation Document itself. It is understood that the Council is moving onto SharePoint and that this will enable earlier versions of a document to be reviewed via the most current version held.

**4.6 The basis on which the decision to withdraw the Consultation exercise was made**

The decision to withdraw the consultation was made by the Leader of Council based on the recommendation of the Joint Chief Executive [PH] and other senior officers. The decision was based on legal advice. None of the parties involved in the decision had knowledge of comments, options and feedback that had been received from the responses received from the consultation exercise.

**4.7 The process used to develop documents used in public consultation exercises**

The documents and questionnaire used in the consultation were drawn up by planning policy officers and DP with input and sign off from Members on the Local Plan Steering Group and Cabinet. The Corporate Communications team only had limited involvement in drawing up the documents. There was no time scheduled for the documents to undergo a plain English check or to be tested with members of the public to check the clarity of what was being communicated.

**4.8 Planning policy resource levels**

The work involved in developing a Local Plan has placed a significant increased workload on to the Planning Policy team. The Working Group has concerns whether the human resource level is sufficient and the effect on effective working of not having senior management capacity. The decision in January 2016 for East Hampshire District Council to host and manage the plan making process with Hart's planning policy staff co-locating with them was specifically intended to strengthen the Councils approach and processes, and bring a plan in on time. This indicates that this concern has probably already been addressed.

## **5 FINANCIAL & RISK IMPLICATIONS**

- 5.1** The implications of the withdrawal of the consultation exercise are:
- Additional printing and postage costs of £14,050.08.
  - Opportunity costs of officer time.
  - Reputational impact on Hart District Council.
  - The impact of any consequential delay in the Local Plan process.

## **6 ACTION**

- 6.1** Overview & Scrutiny are asked to endorse the recommendations listed in Section 2 of this report
- 6.2** An update report confirming actions undertaken should be provided for the June Overview & Scrutiny Meeting

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## **BACKGROUND PAPERS:**

1. HM Government Code of Practice on Consultation  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/100807/file47158.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100807/file47158.pdf)
2. Email sent to Cllr Stuart Bailey from Fleet and Church Crookham Society on 17/1/16
3. TC WAG letter to Hart re Consultation Jan 16
4. We Heart Hart Response to the Overview & Scrutiny Committee into withdrawal of the Local Plan consultation