

# Consultation and Engagement Strategy

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# Foreword

From emptying bins, ensuring food safety, helping people to avoid homelessness, managing planning applications, enabling recycling and more, every day the Council takes decisions and provides services that impact people's lives.

While our councillors are democratically accountable to the electorate via the ballot box, we understand that to meet our vision of 'serving people, improving lives' there is a need to consult and engage our communities in a meaningful way so that their needs and feedback are considered in the decisions that we make, enabling us to achieve better outcomes together.

In recent years the Council, like most authorities, has faced ongoing financial pressures because of the combination of increased demand for services and reduced funding from central government. This has meant that we have had to make difficult decisions to scale back aspects of community engagement outside of the legal necessities.

While these challenges remain, in defining this Strategy we want to set a clear intent to engage meaningfully and to go beyond what is legally required of us where we can, so that we involve our communities more in changes that affect them.

We don't promise that consultation and engagement is easy or will always lead to our communities getting everything that they want – that's clearly not realistic in the current economic climate. What we do promise is that we will continually seek to improve how we engage with our communities, so that we meet our legal obligations, and we will seek to go further where there is benefit to outcomes in doing so and where we can achieve this within available resources. We commit to being honest about the 'tough stuff' and to doing this inclusively so that our decisions are well informed and impacts properly understood.

The Council is committed to consultation and engagement that is a genuine two-way process, making it clear what can be influenced, and what can't, giving the people we serve, employ and work with an opportunity to influence decisions that affect them in a way that is accessible for them.

We won't always get it right – no organisation does – what we hope in designing this strategy is that we provide clarity on our intent – and a consistent framework for the delivery of it.

**Mike Hill, Chief Executive**



# Purpose

The purpose of this strategy is to set out the strategic vision and framework for consultation across the Council, and to make clear where consultation and engagement fit within the context of service design, policy and service change.

# Scope

The strategy applies to the whole Council and all service areas within it. It seeks to complement rather than to replicate or replace statutory consultation requirements within individual service areas. The strategy covers both external and internal consultation.

## Why do we consult?

Gedling's vision is to 'serve people and improve lives'.

As a public authority, it is important that Gedling's services are shaped by the needs of the people who use them, within the overall budgetary, legal and operational constraints within which the Council must operate. This does not mean that the Council will consult or engage on everything – doing so would not be affordable, reasonable or pragmatic, but it is important that the Council consults meaningfully in relation to major changes before decisions are made.

The benefits of consulting and engaging with communities, residents, local businesses, employees and other key stakeholders include:

- Improved trust between the Council and the communities it serves.
- Enablement of evidence-based decision making.
- Support for improvements to customer-centric service delivery by engaging users of services in the design of services to meet their needs.
- Ability to gain multiple perspectives so that any unintended consequences or potential differential impacts can be properly understood before decisions are taken.

## What do we mean by consultation and how does it differ from engagement?

Consultation and engagement are subtly different concepts but follow a similar process and may involve the same people.

Consultation is the process of seeking feedback so that the Council can take well informed decisions. The decision-making power rests with the Council.

Engagement is a more interactive process that encourages dialogue and collaboration and may include co-designing outputs, sharing power between the Council and those involved.

Some parts of the Council, in particular, planning, have a statutory duty to consult and must do this in a particular way, while for most services, the Council has a choice in how it chooses to consult and engage.

The aim of this Strategy is not to replicate or to replace existing statutory duties within specific service areas, but to complement these by creating a framework for consultation that applies across the Council as a whole. As an example, Gedling's Statement of Community Involvement is separate, but aligned to this strategy and forms part of the statutory planning process.

## **When must the Council consult?**

Broadly, there are three circumstances in which the Council must consult.

**When there is an express duty to consult:** This applies where there is a legal requirement to consult before the Council takes a decision. For example:

- a. As a local planning authority, Gedling is required to undertake a formal period of public consultation, prior to deciding a planning application.
- b. Local planning authorities in England are also required to undertake public consultation when formulating planning policy such as a Local Plan or Supplementary Planning Documents.
- c. Local authorities (in their role as a best value authority) are required to consult before making decisions about achieving best value.

The express duty to consult arises where there is a statutory requirement to consult that is specifically required in law. Statutory consultations often include strict rules, guidelines and prescribed methods of consultation, for example changes to car parking orders or the disposal of land which requires publication in a local newspaper.

The legislation setting out these requirements may not always reflect the modern methods of communication and engagement that are now available to the Council. Where this is the case, while meeting the statutory requirement, the Council may seek to use additional consultation mechanisms. Any such consultation will be undertaken in line with this strategy.

**When there is a legitimate expectation:** This applies where the Council has set an expectation of consultation, which then must be fulfilled. Legitimate expectation applies where the Council has promised that it will consult on a specific issue. A legitimate expectation can arise from an explicit or implicit promise that has been made. An explicit promise means that the Council has said publicly that it will consult, so is required to follow through on that promise. Promises can be implicit where there is well established custom and practice in place and sustained regularly over a period of time that is usually followed and could legitimately be expected as a result.

**To ensure fairness.** While there is no common law duty to consult, councils do have a common law duty to act fairly. To test if consultation is required, the Council will consider the impact of the decision it needs to make on those affected by it. As a rule, if there are serious consequences likely because of the decision, there is likely to be an expectation of consultation before the decision is made to ensure fairness is achieved. This type of consultation would apply where there is a proposal to withdraw a service that has significant public impact for example.

**To comply with wider statutory duties and responsibilities:** While there may not be an express statutory duty to consult on a specific decision, policy or plan, there are wider statutory requirements in place such as the Public Sector Equality Duty (PSED) under the Equality Act 2010, that mean consultation and engagement may be required. The PSED duty supports good decision-making by helping decision-makers understand how their activities affect people with protected characteristics. The duty requires decision-makers to understand and take account of the consequences of their choices, having due regard to the aim of eliminating conduct prohibited by the Equality Act, advancing equality of opportunity and fostering good relations.

Beyond circumstances where there is a legal necessity to consult, the Council has a choice about how it consults and engages with local stakeholders including residents, businesses, partners and others, to shape service delivery, strategy and policy development.

Gedling recognises that through effective consultation and engagement, the Council can better understand local priorities and needs and can build trust with the people it serves through actively engaging them in influencing service design and delivery. Alongside the use of operational and strategic data, this enables the Council to adapt and improve its services and ways of working to better meet local needs.

Where there is not a legal necessity to consult, but where there is potential benefit, as a result of engaging with stakeholders, the Council will consider the extent to which consultation is possible taking into account:

- **How meaningful will the consultation be?** The Council recognises that people's time is precious, and that trust comes from transparency. For these reasons, we will consult only where stakeholders are able to have meaningful influence and where the impact of the consultation is likely to have significant benefit to the end outcome.
- **Is meaningful consultation achievable within the available resources and timescale?** The Council's budget position means that there are no dedicated resources for consultation outside of what is required to maintain its legal obligations. We need to ensure that where consultation activity takes place, it is meaningful, which in turn means it needs to be appropriately resourced and achievable.

## Vision for consultation

The Council's vision for consultation is:

*“To ensure Gedling operates lawfully in relation to required consultation and creates meaningful, accessible and inclusive additional opportunities for consultation and engagement where outcomes can be improved by doing so, and where resources allow.”*

## How the Council consults and engages

At its most basic there are 7 steps involved in any consultation:

**Step 1:** Determine the subject of the consultation.

**Step 2:** Determine if it is a mandatory consultation required by law (this informs the structure and design at Step 4).

**Step 3:** Decide who needs to be consulted with using data wherever possible (for some statutory consultations this may be prescribed by law, otherwise, it will usually be determined by who might be impacted by the decision or proposed change).

**Step 4:** Design the process ensuring a targeted approach (for statutory consultation, this will include consideration of the design of a lawful process in line with statutory requirements. For and for other forms of consultation, this will align to the law and the requirements of this Strategy). In all instances the process should be accessible to those it seeks to engage. Check the Lessons Learned Log for any learning from past consultations.

**Step 5:** Carry out the consultation.

**Step 6:** Analyse the consultation feedback, including assessing whether the responses to the consultation indicate that there might be different impacts on different groups of people before any decisions are made (e.g. Older people, people with a disability).

**Step 7:** Feed back to those involved, either directly, or indirectly by publishing the outcome of the consultation and related decisions made to 'close the loop', making it clear what has been done as a result of people's input, and ensuring that the outcome is suitably accessible.

**Step 8:** Conduct a Lessons Learned review about the consultation process and log any feedback centrally, including what has worked well, and what needs improvement, to enable continual improvements to consultation and engagement Council wide.

## Our approach to consultation and engagement

At its most basic, there are four different types of consultation or engagement ranging from low involvement (information sharing) to high involvement (co-production).

Statutory consultation	Consultation or engagement	Co-production	Information sharing
<ul style="list-style-type: none"><li>• Applies to statutory consultation processes.</li><li>• Affordability and resource constraints are not a consideration.</li><li>• "Must do" activity for the council to operate lawfully.</li></ul>	<ul style="list-style-type: none"><li>• Where the council is not legally required to consult or engage but chooses to do so because there is benefit to outcomes in doing so.</li><li>• Considered only where it is meaningful to engage and only where resources allow.</li></ul>	<ul style="list-style-type: none"><li>• A form of engagement, using the same criteria, specifically designed to engage users of services in the design of those services and / or strategy and policy relating to them.</li></ul>	<ul style="list-style-type: none"><li>• The lowest level of engagement, one way sharing of information to ensure awareness.</li></ul>

Each type of consultation and engagement is explained in more detail below.

### Statutory consultation

This applies where there is a legal necessity to consult and will usually follow a process that is set out in law. Examples of this include consultation on the Local Plan and on planning applications, where the Council proposes major changes to provision of its services, or where there are changes to people's jobs internally that require HR consultation.

# Non statutory consultation or engagement

This is where there is not a statutory necessity to consult or engage, but where the Council chooses to do so because there is a benefit to outcomes in doing so, where consultation and engagement is meaningful and can be achieved within available resources.

Examples of this type of consultation and engagement might include resident surveys about local priorities and views of the Council, customer forums that seek feedback on services or targeted engagement around specific proposed service improvements.

## Co-production

Co-production is part of non-statutory consultation and engagement and involves a degree of power sharing with those involved. Co-production may be used where the Council is seeking to make changes to how services are delivered at a detailed level and where engagement of users of those services in the design would have a potentially significant benefit on the outcomes being sought. Examples of this might include co-production of new digital services for residents (where by designing services with users, uptake of those services may be more likely to increase) or engagement with partners in relation to shared, co-designed policies.

## Information sharing

Information sharing is the lowest level of engagement and involves providing information to stakeholders about the Council's services, policies and decisions to ensure people are kept well informed. It also includes meeting the requirements of the Local Government Transparency Code.

By sharing information, the Council aims to ensure that residents and businesses are well informed and can get involved in wider engagement activities should they wish to do so. Examples of information sharing include publication of data and service information on the Council website, newsletters, media releases and social media posts.

## Consultation and engagement principles

The following principles are built on best practice consultation and engagement expectations:

Once we have decided to consult or engage, we will seek to ensure fairness and transparency by:

1. Ensuring we comply with all relevant legislation, including data protection requirements.
2. Actively targeting our consultation and engagement activity to people that evidence tells us are likely to be impacted by the proposed change.
3. Carrying out consultation or engagement when proposals or designs are still at a formative stage.



4. Providing enough information for consultees or those being engaged to enable intelligent consideration, including on the scope and purpose of the consultation.
5. Ensuring information and any questions posed are understandable by those being consulted or engaged.
6. Ensuring an inclusive process, accessible to all of those in scope for consultation or engagement.
7. Using the most appropriate engagement mechanisms to meet people's needs. In general this will mean 'meeting people where they are' (in person or online), including working with existing community organisations and groups.
8. Giving enough time for consultation/engagement and response.
9. Timing consultation and engagement carefully to avoid periods where it may be difficult to reach people, where there are several consultations already underway, or during pre-election periods for example.
10. Carefully considering all views, taking these into account when the final decision or decisions are made.
11. Considering the output of consultation alongside wider strategic impacts including but not limited to financial, social, environmental and potential equalities impacts.
12. Continually learning from our activities to make ongoing improvements to how we consult and engage based on ongoing feedback.

## **Roles and responsibilities**

This Strategy will be approved by Cabinet and reviewed no less frequently than every two years.

The Council's Monitoring Officer will be responsible for Strategy implementation and monitoring of adherence to it.

Directors will be responsible for recommending formal consultations to individual Portfolio Holders.

Portfolio Holders will be responsible for approving all formal consultation activity.

Directors and Assistant Directors will be responsible for ensuring adherence to the Strategy once approved and for ensuring staff are trained in relation to it.

Communications will be responsible for providing planning and delivery support to encourage people to engage in consultation and engagement activity where appropriate.

HR will be responsible for the co-ordination of relevant training.

## **Key deliverables**

The key deliverables of strategy will be the effective consultation and engagement activity resulting from it.

In addition, to support the embedding of the Strategy across the Council, the Council will roll out:

- A refreshed Consultation and Engagement toolkit for internal use.
- Appropriate training and support for managers across the Council.