

MERSEYSIDE FIRE AND RESCUE AUTHORITY

SCRUTINY REPORT TO THE

PERFORMANCE AND SCRUTINY COMMITTEE

19 MAY 2016

SUBJECT: REVIEW OF THE EFFECTIVENESS OF PUBLIC CONSULTATION

REPORT NUMBER: CFO/033/16

APPENDICES: APPENDIX A: AUDIT OF CONSULTATION ARRANGEMENTS
APPENDIX B: CONSULTATION PRINCIPLES

REPORTING OFFICER: DEPUTY CHIEF FIRE OFFICER

RESPONSIBLE OFFICER: DEB APPLETON

OFFICERS CONSULTED: CLLR BARBARA MURRAY, WENDY KENYON

Purpose of Report

1. To request that Members scrutinise performance concerning the arrangements for public consultation, particularly in relation to the proposals to close or merge fire stations.

Introduction and Background

2. Members of the Performance and Scrutiny Committee have included within the Committee's forward work plan the following item for scrutiny:

"How effective is our Consultation Process?"

The reason for this scrutiny report is:

"To review our current consultation process and identify any possible improvements."

Further detail provided in the forward work plan is as follows:

“Report to be produced in consultation with the relevant Lead Member regarding the public consultation process in relation to the merger of Fire Stations, to enable any lessons learnt to be identified and considered for future consultations. To consider if any further scrutiny is required in this regard.”

3. Members will be aware that five twelve week public consultations were carried out during 2014/15 and 2015/16 over the proposed closure or merger of fire stations to enable budget savings to be made. These took place in Knowsley (2014), Wirral (x2) in 2014 and 2015, Liverpool in 2015 and St Helens in 2015.
4. Members will also be aware that the Authority has a legal and moral responsibility to make sure that people affected by such proposals are given an opportunity to comment on the proposals and that those comments are then taken into account when the Authority makes its final decisions; i.e. that the consultation is meaningful.
5. As a result of this obligation, the Authority has always striven to consult with a broad range of people (and organisations) in a variety of ways and to faithfully record, report and consider their views.
6. It was considered that the most appropriate way to respond to the Committee’s request was to commission an independent review by Internal Audit and the report resulting from that review is attached as Appendix A to this report.
7. The Internal Audit review conclusion is detailed below, further details are available in the full report:

“For several years, we understand that the Authority’s consultation when preparing its Integrated Risk Management Plan was limited to public meetings. Although we have been told that they were delivered at low or no additional cost, we have also been told that they were ineffective in relation to achieving meaningful consultation with the public, as very few people attended. Since then, the Authority has developed a more inclusive and varied approach to offer a broad range of consultation options for people to engage with, backed up with publicity to promote the consultation.

The consultation exercises that have taken place over the past two years have taken ‘adequate’ steps to engage and inform all interested parties. The level of engagement through focused meetings, questionnaires and open meetings has been mixed with, probably the highest level being where individuals feel strongest about the proposals. Participation levels in on line questionnaires, with the exception of the first undertaken during the initial Wirral consultation, were generally fairly low. The response rate in the first Wirral questionnaire was 977 with only 363 responses in all other questionnaires conducted. There is however no evidence to indicate that this is as a result of poor publicity.

The one postal survey sent to 10,000 randomly selected addresses did not achieve a demonstrably higher return with only 1,351 (13.5%) responses representing a cost of just over £14 per respondent, although it could be said that the Authority did directly

engage with 10,000 through this approach, whether or not they chose to respond. Consideration therefore should be given as to the cost effectiveness of such an exercise for future consultations. It is noted that this method of engagement was only used for one of the consultations being considered and was, we have been informed, adopted to address a particular concern that there was a risk that some residents in the affected area were having a disproportionate impact on the consultation outcomes. This has not been the case in the other consultations.

At present, although issues from completed consultations are used to inform future exercises there is no formal means of capturing the information, for example through a Lessons Learned Log. There has been a draft Consultation Framework* developed which will deliver a best practice approach for future consultations, building on what has been learned from all completed consultations.”

*It is planned that the Consultation Framework will be implemented before September 2017.

Equality and Diversity Implications

8. There are no equality and diversity implications resulting from this report.

Staff Implications

9. There are no staff implications resulting from this report.

Legal Implications

10. The public law duty to consult is one aspect of the principle that public authorities should demonstrate fairness in the exercise of their functions.

11. Government guidance on fair consultation are detailed in the Cabinet Office Consultation Principles (Appendix B) and relevant case law, particularly the Gunning Principles established from R v Brent London Borough Council ex parte Gunning (1985) which addresses when, how, why and what should be taken into account in regard to conducting consultations.

12. This report demonstrates MFRA’s compliance with its duty to consult and work undertaken in accordance with the principles of consultations.

Financial Implications & Value for Money

13. There are no cost implications resulting from this report. The Authority invests in a range of consultation methods to provide meaningful consultation. Some of these incur a cost and others are delivered at no additional cost.

Risk Management, Health & Safety, and Environmental Implications

14. A significant value of effective and meaningful consultation is that it reduces the risk of the Authority’s decisions being judicially reviewed. Judicial review can be

a very costly and time consuming exercise even when an Authority is ultimately found not to be at fault.

Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters*

15. This report offers assurance that the Authority makes adequate arrangements to ensure that stakeholders are consulted in relation to proposals to make major changes to services and that the outcomes are considered in the decision making process.

Recommendation

16. That Members;
- a) **Scrutinise the information contained within this report concerning public consultation arrangements**

BACKGROUND PAPERS

GLOSSARY OF TERMS

- MFRA** Merseyside Fire and Rescue Authority is the physical and legal entity. In writing reports MFRA is the “object”.
- MFRS** Merseyside Fire and Rescue Service is the service provided by MFRA. In writing reports MFRS is the “action”
- E.G.** You are employed by the Authority (MFRA). The job you do forms part of the Service (MFRS) provided by the Authority (MFRA).
[If in doubt use MFRA]