

Policy & Resources Committee Meeting	
Meeting Date	10 September 2025
Report Title	Public Consultation Policy Statement, Member guidance, public guidance and officer toolkit
EMT Lead	Larissa Reed – Chief Executive
Head of Service	Philip Sutcliffe – Communications & Policy Manager
Lead Officer	Janet Dart – Policy & Engagement Officer
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. To consider and agree the public consultation policy statement. 2. To consider and agree that consultations should take place for a minimum period of 6 weeks but preferably 8 weeks. 3. To consider and agree the Swale Borough Council Councillors' guide to consultations. 4. To note the Swale Borough Council's officer consultation toolkit. 5. To consider and agree the public guidance on consultations.

1 Purpose of Report and Executive Summary

- 1.1 Public consultations are regularly carried out by Swale Borough Council (SBC) as part of developing Council services, activities, policies or strategies. The development of a public consultation policy statement provides councillors and officers guidance on how consultations should take place. The councillor guide gives members a better understanding of the process along with how results of a consultation can assist with formal decision-making. The toolkit provides officers with technical guidance that will achieve a legal and consistent approach to carrying out consultations. The public guidance explains to residents how our consultation process operates, explaining how they can get involved and what they can expect from SBC.

2 Background

- 2.1 The Council has a statutory duty to consult the public on a range of issues. However, having a statutory duty to consult is not the only reason for doing so.
- 2.2 The Local Government Association state that there are a range of other non-statutory reasons councils might want to run a consultation exercise which include:

- to improve planning, policy and decision making;
- to make better use of resources;
- to access new information, ideas and suggestions;
- to encourage greater participation in the activities of the council;
- to govern by consent;
- to measure residents' satisfaction with the council; and
- to shape council activities around residents' needs and aspirations.

2.3 To be both lawful and worthwhile, consultations have to follow a number of principles set down in case law (known as the Gunning Principles):

- Proposals are still at a formative stage
- There is sufficient information to give 'intelligent consideration';
- There is adequate time for consideration and response; and
- 'conscientious consideration' must be given to the consultation responses before a decision is made.

Failing to follow these principles can lead to challenge, including judicial review - which is costly, reputationally damaging and can significantly delay progress.

2.4 The Swale Borough Council public consultation policy statement recommends that public consultations should take place for a minimum period of 6 weeks but preferably 8 weeks. This will allow for consultations to take place between committee meeting dates, so members do not have to wait for 2 cycles to receive feedback from the consultation before decision making. Exceptions to this would be where there is specific legislation and/or statutory guidance stating a different consultation period or where there are exceptional circumstances where this may not be practically possible.

3 Proposals

- 3.1 To consider and agree the public consultation policy statement.
- 3.2 To consider and agree that consultations should take place for a minimum period of 6 weeks but preferably 8 weeks.
- 3.3 To consider and agree the Swale Borough Council councillors' guide to consultations.
- 3.4 To note the Swale Borough Council's officer consultation toolkit.
- 3.5 To consider and agree the public guidance on consultations.

4 Alternative Options Considered and Rejected

- 4.1 The alternative option is to not to agree procedures and timescales for public consultations. This is not recommended as it will result in inconsistent public consultations taking place across SBC. Should the Gunning Principles not being

adhered to, it could lead to challenge, including judicial review - which is costly, reputationally damaging and can significantly delay progress.

5 Consultation Undertaken or Proposed

- 5.1 On 8 July 2024, Members were consulted at the Informal Administration Meeting to seek an early steer on the development of the councillor guidance notes and officer toolkit. The Strategic Management Team and Swale Managers were consulted during the development of the consultation policy statement, councillor guidance notes and officer toolkit.

6 Implications

Issue	Implications
Corporate Plan	This piece of work aligns with the Community priority, in particular: <i>“To ensure active and effective engagement mechanisms are in place so that all residents and communities have the opportunity to engage with the Council.”</i>
Financial, Resource and Property	None identified at this stage.
Legal, Statutory and Procurement	Following the processes set out in the toolkit will ensure that consultations are carried out legally and in compliance with the Gunning Principles and the Equality Act 2010.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	The processes set out in the officer toolkit ensure that the council has due regard to the public sector equality duty (Equality Act 2010) in decision-making when carrying out public consultations.

Privacy and Data Protection	The toolkit provides officers with reference to data protection principles to ensure that any personal data collected during a public consultation are processed in accordance with the UK GDPR principles and the Data Protection Act 2018. When collecting information for a consultation, personal information should only be collected where necessary and only relevant information.
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7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:

Appendix I – Policy Statement for carrying out public consultations.

Appendix II – Draft Councillor's guide to consultations.

Appendix III – Draft Officer Consultation Toolkit – a guide for planning public consultations.

Appendix IV – Draft Consultation Guide for the public.

8 Background Papers

None.