

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services
Relevant Executive Member:	Mayor
Submitted to:	Mayor
Date:	22 May 2025
Title:	Consultation Policy
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	No
Why:	Decision does not reach the threshold to be a key decision
Subject to call in?	Yes
Why:	Not urgent

Proposed decision(s)
That the Mayor:
<ul style="list-style-type: none"> • APPROVES the Consultation Policy.

Executive summary
<p>This report sets out a proposal for a Consultation policy which will provide a governance framework. This framework will be used by officers to identify where consultation is required to ensure compliance with legal duties or where there are non-statutory reasons why a consultation may be required.</p> <p>Where consultation is required, the appended policy also sets out how that consultation should be undertaken to ensure it is lawful, covering:</p> <ul style="list-style-type: none"> ▪ When a consultation should be conducted ▪ Ensuring a consultation is 'fair' ▪ Guidance on when and how to equality monitor ▪ Examples of circumstances where consultation may not be appropriate ▪ Responsibility for consultations.

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

1.1 The purpose of this report is to ensure the Council has a policy which sets out how it will conduct fair consultations, where there is a lawful requirement to conduct a consultation.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	Having a policy in place will support the Council to deliver the aims across these three ambitions by ensuring there is a process in place for dialogue between residents, stakeholders and the Council to ensure the council systematically gives the local community a voice in the democratic process and helps elected members and officers understand and consider public views and concerns when making decisions about local public services.
A healthy Place	
Safe and resilient communities	
Delivering best value	The purpose of this policy is to ensure there is a robust and effective corporate governance process in place to oversee the consultation process. This directly, positively impacts on this ambition.

2. Recommendations

2.1 That the Mayor:

- **APPROVES** the Consultation Policy.

3. Rationale for the recommended decision(s)

3.1 Having in place a policy that sets out a clear framework of when the Council should and should not consult will support compliance with legal requirements on consultation.

4. Background and relevant information

4.1 Councils sometimes have a statutory requirement to consult their residents, partners and businesses. Statutory consultations are bound by legal requirements, such as Best Value legislation, and can have strict rules surrounding how they should be conducted.

4.2 There are also a range of other non-statutory reasons that mean it may be good practice to undertake consultation. These 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 (a full and fair consultation, with careful consideration of all views, can strengthen the legitimacy of the prevailing view among those people not in favour of the final decision)
- to measure residents' satisfaction with the council

- to shape council activities around residents' needs and aspirations

4.3 This policy provides a policy framework against which consultations can be developed.

5. Other potential alternative(s) and why these have not been recommended

5.1 The Council could choose not to have a policy in place, however this is not recommended. Provision of a policy provides officers with a clear direction on consultation standards and expectations which will improve public engagement. The policy also reduces the risk of decisions being taken which have not been appropriately consulted on.

6. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	There are no financial implications arising directly from this policy.
Legal	The policy contributes positively towards lawful decision making.
Risk	Provision of a policy will have a positive impact on the following risks within the Strategic Risk Register: <ul style="list-style-type: none"> - Risk of an unlawful decision by the Council - Risk that corporate governance arrangements are not fit for purpose.
Human Rights, Public Sector Equality Duty and Community Cohesion	The proposed policy has been subject to Level 1 (screening) impact assessment. This assessment identified that no negative differential impacts on diverse groups and communities within Middlesbrough is anticipated from the implementation of the policy. It is found that these policies would have a positive impact on all groups in ensuring that the Council maintains a standard approach in continuing to be compliant with the PSED.
Reducing Poverty	The consultation policy does not directly impact on these themes, however it does provide a mechanism for consultation on proposed decisions which would enable residents and stakeholders to raise issues in relation to this theme where applicable to a consultation.
Climate Change / Environmental	
Children and Young People Cared for by the Authority and Care Leavers	There are no concerns that the policy could impact negatively on this group. The policy provides a framework for which formal consultations could be undertaken with this group.
Data Protection	There are no concerns that the policy could impact adversely on data protection rights. The policy is underpinned by processes to ensure that responses are not identifiable back to individuals unless it is clearly outlined at the beginning of a consultation that this will occur.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Publish the Consultation Policy and disseminate to staff	Head of Governance, Policy and Information	May 2025

Appendices

1	Draft Consultation Policy
2	Impact Assessment

Background papers

Body	Report title	Date
Executive	Consultation and Engagement Policy	January 2020

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