



Executive
19 October 2009

**Report from the Director of
Communication and Diversity**

Wards Affected:
All

Petition for changes to consultation process

Forward Plan Ref: Cent-09/10-1

1.0 Summary

1.1 This report has been prepared in response to a petition presented to Brent Council – to request that all future consultations include every voter on the electoral register who is resident in the consultation area.

2.0 Recommendations

2.1 Members note the report but instruct officers not to adopt the petitioners' suggestion that the electoral register be used for all future consultations for the following reasons:

2.2 There are two versions of the electoral register – the Full Register which contains the names of all registered electors and the Edited Register which only contains the names of those electors who have agreed to have their details publicly available.

2.3 Access to the full register is strictly controlled under the Representation of People legislation (2002). It may only be used for a very limited number of reasons and consultation by the local authority is NOT a permitted use of the full version of the electoral register.

2.4 The edited version of the electoral register can be used for consultation purposes but such usage would exclude significant numbers of electors who have opted not have their contact details publicly available.

2.5 There is no evidence that the use of the edited version of the electoral register for consultation purposes would provide value for money.

- 2.6 Service areas are recommended to ensure that consultation documents make it clear that consultations are open to all residents within a single household.

3.0 Detail

The Petition

- 3.1 A petition to ensure '*that all future consultations include every voter on the Electoral Register who is resident in the consultation area*' was received on 15th June 2009 via the Council's One Stop service. The petition has been verified by officers in the legal and democratic services department, and comprises in excess of fifty signatures signed by local residents.

- 3.2 The petitioners signed under the heading:

Petition Brent Council that all future consultations include every voter on the Electoral Register who is resident in the consultation area.

Use of the electoral register

- 3.3 There are two versions of electoral register – the 'Full Register', which contains the names of all registered electors and the 'Edited Register', which contains the names of those electors who have agreed to have their details publicly available. There are approximately 203,000 entries on the full version and 104,000 on the edited version. Access to the full version is strictly controlled and may only be used for a limited number of reasons. The full version of the register cannot be accessed for consultation purposes by the local authority. The edited version may be used for any lawful reason including direct marketing and for consultation purposes. The edited version is therefore the only version usable for the purposes suggested by the petitioners.
- 3.4 The option of using the electoral register, (edited version) for consultations is already known to service areas. The edited version in data format can be purchased from legal and democratic services for £219.50.

Current Consultation Practice

- 3.5 Borough wide consultations can be undertaken in a number of ways, e.g. posted or distributed to residents, or completed on-line through the Council's internet site. With regard to opinion survey questionnaires the most cost effective distribution method is to use the Brent magazine. The Brent Magazine is delivered to 98,000 households and distribution of questionnaires using the Magazine avoids postal charges.
- 3.6 Borough wide consultation can be undertaken on a research basis, e.g. the Place Survey and the Residents' Attitude Survey. This type of consultation generates data from a representative sample of residents. Correct sampling can yield data accurate to $\pm 3\%$ from a numeric response of 1,100. The 2008 place survey and the 2009 residents' attitude survey had numeric responses of 2,300 and 2,100 respectively. Oversampling has taken place in both of these surveys in order to generate ward level data.

- 3.7 In the case of local consultations, e.g. local traffic or parking schemes, planning issues etc, these are generally targeted at residents living in the area affected. In the case of traffic schemes, the consultation area may include additional addresses, not directly involved in the proposed traffic scheme, but potentially affected by displacement or other knock-on impact of a scheme. Address files for local consultations are generated using the planning service database. Although the planning service database does not contain residents' names, it does contain address and full postcode details off all properties in Brent. Use of the planning service database ensures that every property affected will receive the consultation documents.

Impact of the proposal

- 3.8 Use of the edited version of the electoral register for a borough wide consultation would exclude 90,000 electors. This is the difference between 203,000 electors whose details are currently on the full version of the register and the 104,000 who have agreed to have their details publicly available.
- 3.9 For a borough wide survey, (printed questionnaire including envelope and postage at a combined unit cost of 75p) and using the edited version of the electoral register, the estimated costs would be a prohibitive £78k per consultation. This is considerably more expensive than the current practice of using the Brent Magazine for the distribution of borough wide consultation material.
- 3.10 For a local consultation, use of the edited version may identify named residents, (e.g. those residents living in the consultation area who are also on the edited version of the electoral register), but is only likely to identify a limited number of addresses in that area. In these circumstances more residents are likely to be excluded from the consultation than included.
- 3.11 Under the current arrangements for postal surveys, consultations are open to all residents. There is no bar to additional consultees living at a single address participating in these surveys. Consultation evidence is weighed alongside a range of other factors in deciding policy or service direction.

4.0 Financial Implications

- 4.1 There is no specific budget allocation for this proposal and there are cost implications if this proposal were to be adopted – see para 3.9.

5.0 Legal Implications

- 5.1 The Local Authority often has a duty to consult the public either generally, or to consult specific groups of people. This may arise as a result of a statutory provision relating to the particular decision to be made. Alternatively consultation may be required under the general principles of administrative law, namely to take into account all relevant considerations when making a decision, including the views of those who may be affected.
- 5.2 The Local Government and Public Involvement in Health Act 2007 Section 138 amended the Local Government Act 1999. The provision requires that where a Local Authority considers it appropriate for representatives of local persons to

be involved in the exercise of any of its functions, it must take such steps as it considers appropriate to secure those persons involvement. This new duty, which came in to force in April 2009 does not replace other consultation provisions but requires the Local Authority to consider whether any additional actions are required over and above any specific duties to consult and involve. The Statutory Guidance 'Creating Strong and Prosperous Communities' comments on the various types of involvement and consultation under this new provision and states that different approaches will need to be adopted for different functions.

5.3 In relation to use of the Electoral Register, an edited version has been available for sale for public use since 2002 (The Representation of the People (England and Wales) (Amendment) Regulations 2002). Use of the full Electoral Register is limited by the Representation of the People (England and Wales) Regulations 2001 (as amended). It does not allow use by Local Authorities for consultation purposes.

6.0 Diversity Implications

6.1 None.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None.

Background Papers

Petition

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