

## **MEMORANDUM TO SCRUTINY AND POLICY OVERVIEW COMMITTEE**

### **Concerns relating to the Consultation Process for the “Reshaping Your Councils” Project**

#### **A. INTRODUCTION**

In the first (and only) debate the Borough Council has had on the principle of reorganisation I stated that the matter was the most important matter to be discussed by this present Council. In fact, in that the Council is discussing its own abolition, it is the most significant matter to be discussed since 1297.

From this Borough’s point of view, we are surely in a unique position in Dorset. Alone among the six second tier councils, Christchurch is in a pivotal position. We are the only Borough with a continuous history as a single entity (Weymouth and Portland was created in 1974 from two distinct Councils) and we are the only Council which could, realistically, fit into either a Shire Dorset or a Greater Bournemouth.

In terms of sense of place, sweeping statements which might just be valid for the rest of the County, or for the two County Boroughs, do not necessarily fit Christchurch. It is agreed that people living in e.g. Wimborne or Gillingham accept that town as their particular area, rather than the artificial constructs of the 1972 Local Government Act. So for them a reform which replaces the already distant district council with a slightly more remote Shire Authority will not make a major impact. For Christchurch however replacing the Borough Council with a remote Greater Bournemouth Council or a Dorsetshire Authority, given the well-developed sense of place in the Borough will mean that people’s understanding of their area will change drastically. Services – and for some the most significant, such as planning and housing - will change drastically.

So it is essential that any changes be, as identified by Scrutiny and Policy Review Committee in April, must be soundly based on public consent. It is therefore a pre-requisite that the means to ascertain popular wishes be robust and be accepted by Christchurch residents as robust. The normal way of ascertaining support for a change would be to put it before the electors in an election to the whole Council, but this opportunity was not taken by the Leadership in 2015, for whatever reason, and the County elections of 2017 will be too late.

There is therefore a special weight of responsibility on any means of consultation to be, transparently, fair, even-handed and accurate. There are widespread indications that this is not so. The Consultation process is accused of bias – as was set out in the Echo recently. It is the purpose of this paper to examine whether, from this Borough’s point of view, the consultation process can be relied upon as a platform on which to base the most crucial decision since 1297.

## B. BACKGROUND

Previous reorganisations from 1836 onwards have been imposed by central government. This is the only time that the Borough Council has been asked to consider the possibility of consenting to its own destruction. In that the Government has stressed that any reorganisation should be “bottom-up” it should be essential to demonstrate that any such drastic reorganisation enjoys popular support.

Acknowledging this, the then Scrutiny and Policy Review Committee, when asked to consider the matter, passed a Resolution which is reproduced at Appendix A but of which the key clause is:-

The Committee believes it essential that all the communities of Christchurch be involved in this process from the outset, that the **fullest possible information be provided to the public** and that the **final proposals must accord with the wishes of the Borough’s citizens;**

In considering the consultation process which concluded on 25 October, the questions must be asked

- Was the information provided to the public as complete and accurate as possible?
- Was the process of ascertaining public opinion as impartial as possible or was it, inadvertently or otherwise, likely to produce a certain results which might not accurately reflect the wishes of the public (as opposed to institutional bodies which cannot be reckoned as the borough’s citizens and which would not have a voice in a referendum)?
- Has the process being conducted in such a way as to ensure public confidence in the final assessment of the consultation and therefore of any recommendation which might be based on this assessment?

NB. It has to be noted that there are two distinct operational factors in this matter. The **input** into the process is, as confirmed by Mr Hall in a briefing for MPs on 4 November, is the responsibility of the nine local authorities, or, more precisely because the Councils were not consulted, the responsibility of the Leaders. The input consists of:-

*The report by local partnerships* (i.e. HM Treasury and the Local Government Association, neither of which may be felt to be completely impartial in this matter) on the financial costs and benefits of reorganisation

*The consultation document* which bears the imprint of the nine councils and which (as no council formally approved this document by a resolution of that council) is the responsibility of the leaders and chief executives

*The information pack* again produced by the leaders of the nine councils, including but not limited to the “slide show” or PowerPoint presentation

*The Briefings* provided by ORS staff to the “focus groups”

The **output** of the process is the reaction and response of the consultees, as measured by the various information gathering tools produced by Opinion Research Services, which included but are not limited to the public open questionnaire, the household questionnaire sent out by post, the interest group meetings, and, most controversially, the focus group meetings the attendees of which were paid by ORS and which were conducted in closed sessions.

It is not suggested at this stage that it was the intention of ORS to produce a desired result, nor is it suggested that there was a deliberate policy to distort the input of information. Nevertheless, there is evidence that errors might have occurred in obtaining information which corrupt the validity of the results.

### **C. THE CONSULTATION DOCUMENTS**

Concerns were raised at during the preparation of the consultation process that there was no opportunity for members to be involved. At the County Council, there was an opportunity for Members to submit thoughts and opinions into the process but it must be noted that this is not approval of the process or of the output of the process. In Christchurch, no attempt was made to involve Borough Council members in this process.

The consultation documents were first made available to members of the County Council in early August. At that point serious concerns were raised particularly by the Member for Swanage that the questionnaire was prejudiced against the status quo. No backbench Christchurch Members were allowed access to these draft documents.

All Councils, and specifically Christchurch Borough and Dorset County Councils, are supposed to be “member led authorities.” While it is true that the leaders, and, possibly, deputy leaders, did create the consultation document it is extremely disappointing that ordinary members were not allowed the opportunity to discuss the document. When this is compared with the process for, for example, the Local Plan, it is clear that consultation and discussion with, and response from, individual councils would have been possible - but it was obviously thought undesirable.

Thus the first major flaw in the consultation process may be identified in that the options and information contained in the document did not necessarily have the approval of those whom on its behalf it was issued. It might be argued that in those authorities where the opinions of members had been sought and a clear mandate received (e.g. at Dorset County Council where a mandate was given to the leadership on 10 March 2016 ) but in Christchurch, other than an ill defined resolution modified on the advice of Scrutiny Committee, no mandate has ever been provided to the Council's leadership.

Returning to the document itself, many consultees have remarked to various members that it is clearly slanted in favour of change, and, more seriously, in favour of one particular option – the “Greater Bournemouth” Option 2 (b).

### **Specific examples of bias or defect in the Consultation Document**

#### ***1. Entitling the Document***

The document is entitled “Reshaping Your Councils – a better future for your community.” Yet this in itself must influence respondents in that the title is presented as a statement (reshape your current council structure and your community will have a better future ) rather than as a question (will reshaping your councils produce a better future? ).

#### ***2. Financial information in the consultation document***

Chris Chope MP has repeatedly pointed out that the bald statements on page three of the document are misleading. It implies that all councils in Dorset are in financial difficulties, whereas Christchurch and east Dorset most definitely are not. It fails to mention that the £30,000,000 mentioned is very largely a problem of two councils – the existing unitaries, Poole and Bournemouth. Indeed it might well be argued that the sole reason for this entire project is the desire of Bournemouth and Poole Borough Councils to dig themselves out of the hole of their own making by neglecting to increase Council Tax over the last five years, not to mention what might be thought of as excessive funding of unnecessary prestige projects.

It also fails to mention that Dorset County Council, having carefully planned ahead, is unlikely to face the major financial difficulties stated and while it is true that it must continue to develop ways to use its resources more efficiently the horrendous consequences of complete termination of services need not occur.

Further criticism of the financial data has been provided by Mr. A L Rodger of Poole, and this information is included as Appendix B. In addition, the consultation document concretely ignores the disaggregation costs of Option 2 (b). Christchurch Borough and East Dorset District Councils' officer structures have been completely integrated

through the Christchurch and East Dorset partnership. If the “Greater Bournemouth” model is implemented then the financial assets and service structures of the Borough and District will need to be disaggregated, and the Borough’s assets and structures transferred to the new GBC. This cost is not likely to be inconsiderable.

It should also be noted that the consultation document makes what appears to be a definitive statement that the costs of reorganisation will be c£25 million whereas the savings would be greater than £108 million. Lay readers might be forgiven for accepting this as proven: it could well be argued that the speculative nature of these figures should have been stressed.

It is not intended to discuss the financial position further in this present paper, but it is suggested that enough has been cited to demonstrate that the figures used tend to understate the financial costs of reorganisation and overstate the benefits. Nothing has been advanced by any protagonist to contradict the views of both Mr. David Miliband and Mr. Eric Pickles who have confirmed that in all such reorganisations the costs are greater than expected and the benefits less.

### **3. Other Suggested Benefits**

Turning now to the other four alleged benefits of reform, once again these overstate the likely benefits of change and either ignore or under state the costs, monetary or otherwise. In particular the intangible costs of reform are almost completely ignored or are totally understated. Bullet point 3 on page three of the consultation document is so vague as to be misleading. When talking about simplifying structures, it makes no mention of the combined authority, nor of the probability as assumed in the financial statements that Christchurch would have a town council.

As for geographical area, in which businesses operate, the authors surely cannot be unaware that if businesses do not stop at the Bournemouth/ Christchurch boundary they will not stop at the Christchurch/New Milton boundary. Indeed many residents in my ward already use New Milton more than Christchurch simply for transport convenience.

More seriously, there are two definitely misleading statements.

- a) The document claims that councils will continue to be accountable to local people – and, through the ballot box, this is obviously correct. But what is not clarified that accountability will be much more difficult. In that whereas the ratio of Borough Councillors to the population is 1:1,600, and for county councillors 1:3,200, in a Greater Bournemouth with 80 councillors the ratio would be 1:4,600. And if the more extreme figure of 40 councillors is used then the ratio becomes 1:9,200. This is not making councillors more accountable to their electorate, nor does it make

them more accessible nor, as it is very likely that, as always happens, allowances would rise sharply does it make them less expensive.

b) Secondly, the document says that the reform what would “stimulate jobs and promote prosperity.” Leaving aside the philosophical question of whether any government structure can stimulate jobs and promote prosperity, what guarantee is there for the people of Christchurch that the powers available to the present council will be used by a Greater Bournemouth Council in Christchurch and not in Poole or Bournemouth – or, indeed, in other parts of a Shire Dorset?

It is accepted that the recommended option 2(b) would, for Christchurch residents, produce slightly lower increases in council tax. Unfortunately, the document does not point out that these “savings” would be in the region of 43½p per week. And in any event Council Tax will still increase and as a result of the harmonisation process Christchurch residents will be subsidising the residents of Poole and Bournemouth. Thus Christchurch residents would not only lose the reserves carefully built up by David Fox, Harold Cooper, Alan Griffiths, John Lofts and their predecessors, but will be paying for Bournemouth’s errors, as well as paying a much greater share of accumulated debt.

No reference is made to these points: the document is an example of what might be termed not “blue sky thinking” but “rose tinted thinking”: painting a rosy future without looking at the drawbacks.

### ***Commentary on the Options***

In effect, the consultation document proposes that there should be two top level options: either retaining all the nine Councils or their merger into two Unitary Authorities. This second option is divided into three sub-options which are termed “Large Conurbation / Small County”; “Medium Conurbation / Medium County”; and “Small Conurbation / Large County.” In itself, this terminology tends to produce bias in that there is a natural instinct amongst respondents to issues the middle option. Thus, surely inadvertently, a major element of bias not just towards change but towards a particular type of change is introduced. Incidentally this is strengthened, again surely inadvertently, by including option to be, the favoured option, on the facing middle page, where the document naturally falls open.

Considering the commentary on the specific options, the following points may be made:-

#### *Option 1*

It is particularly regrettable how the key features of this option are presented. Protests were made and discounted when the structure of the consultation was revealed to elected councillors for the first time, because these “key features” are

presented in such a way as to show this Option in the worst possible light. For example the figure of £38.4 million is trotted out again, this time highlighted in red, the only use of red highlighting in the document. What would have been fairer is to have split the “shortfall” to show how it would affect the residents of each authority. Thus Christchurch taxpayers would face a pro rata share of the county council’s £11m deficit: £26 per resident of Dorset, offset minimally in Christchurch’s case by our estimated £100,000 surplus. Bournemouth, which has a population of less than half of shire Dorset, has a forecast shortfall of nearly double this at £10.1 million. This gives a shortfall per head of some £53.

The comment has been made that the financial figures on which this consultation is based might well be termed “Project Fear”. Certainly as far as Christchurch residents are concerned, it would seem that these fears are perhaps not adequately grounded in reality: certainly, perhaps, not alarming enough to compensate for all the intangible disadvantages of a Greater Bournemouth Council, or, to perhaps a lesser extent, of a Shire Dorset Authority.

This is borne out by the statement “council services that we know what the public want [are] at significant risk” and the use of the emotive term “cuts” well as considering other options are there more emollient words “savings” is used. Yet there are savings already being contemplated across the whole county: the Tricuro adult social care partnership has not yet begun to generate the savings expected, the Stour Valley and Poole partnership is making significant efficiency gains, and further examples of partnership working, such as joint library services, are under consideration.

There are of course other misstatements in this section: “back office functions” are referred to in such a way as to suggest that these are nine discrete officer structures whereas it is very likely that outside Bournemouth and Poole there would really be three officer structures, only two of which could be said to be duplicating. The false assumption that 2/3 of the 330 councillors are not effectively employed is maintained, the chimera of much higher council tax bills appears again, and of course the advantages of having local services delivered locally where possible whereas strategic services are delivered where effective is not mentioned.

In summary, out of the seven bullet points, only one which might remotely be said to support Option 1 is included, where as many more could have been. This is a clear example of, it is suggested, intentional bias in the consultation document.

## Option 2

To an impartial observer this is the most blatant example of bias in the entire document. Options 2(a) and 2(c) are dismissed summarily. Only four points are

mentioned on option 2(a), which given the expressed attitudes of East Dorset District Council to a takeover by Bournemouth is perhaps just as well. Yet even here one allegedly factual point is balanced by three “yes, but” points. Option 2 (c) is even more roughly treated.

On the other hand option 2 (b) is very favourably commented on. No less than six bullet points are advanced in its favour, even including slightly nebulous advantages such as “a medium sized unitary council would have a profile nationally.” Not one drawback is mentioned.

Again of course there are mis-statements: to describe Burton and Hurn as “urban” is perhaps doing both parishes a considerable injustice. Avon, Neacroft, Waterditch – all are included as urban areas. Actually the built up area of Christchurch occupies far less than half of its territory.

Again no mention is made of the costs of disaggregating the Partnership. No mention is made that much of Christchurch looks eastwards to Hampshire rather than westwards to Bournemouth. Not justification is provided for the alleged effective and efficient way of delivering services possible under Option 2 (b) that would not be possible in Option 2(c). Indeed given the County Council’s wholehearted acceptance of double devolution whereby services can be delivered as locally as possible, and Bournemouth Borough Council’s rejection of any double devolution, it is difficult to see just what these advantages are.

On page nine there is one more clear misstatement. Unless special arrangements were made, Christchurch’s mayoralty would not continue unaffected. We are a charter borough: the councils mentioned are town councils, of accepted lesser status.

Insofar as the consultation document was the prime source of information to the public, it can be shown therefore that it is possible to argue from a position of some strength that it was constructed in order to promote the Greater Bournemouth option. The document did not discuss any intangible questions, apart from, if dismissively, the question of the mayoralty. Such matters as control of Christchurch’s environment, planning control, planning policy, housing policy – all vital to keeping Christchurch special –were resolutely ignored.

It is not surprising therefore that many local people who attended the public meetings (to be discussed later) believed that a takeover of Christchurch by Bournemouth was a “done deal”. This feeling was reinforced by the questionnaire. It is stressed though that it is not felt that the questionnaire was intentionally misleading, but it has certain major flaws which drastically reduce its value as a guide to opinion in Christchurch.



## **The questionnaire**

### *Examples of Unintended Bias*

#### *The “Option One Question” (1)*

It is well known when considering “dummy surveys” produced by the political parties to influence an election campaign, that voters can be presented with a question which suggests the answer “yes” (if that is the desired answer). These tend to be “motherhood and apple pie” questions, prompting the voter to give the desired answer to a following, much more controversial, question. For example a questionnaire might say “Do you want better schools for your children?” to which the answer must be “yes,” A follow up question could then be “Are you prepared to pay a little more council tax to secure this?” And it is difficult for the voter to say no.

It is very disappointing therefore to find that this tactic is, presumably inadvertently but certainly effectively, used on page one of the questionnaire. The very first question “To what extent do you agree or disagree that Dorset Councils should focus on duplication and reducing administration costs where ever possible?” is followed by a “Project Fear” statement “Major savings would need to be found and it is likely that many council services could not be provided in future” (omitting to state that the most crucial services **must** be provided under law: it would only be the services provided under discretionary powers which could be axed.) To the (presumed) relief of the respondent, a solution is offered –“Dorset councils believe that they can make major savings to simplify and local government...”

The respondent is then invited to say whether they “agree or disagree with the proposal to replace the nine existing councils...” i.e. save the money that the respondent has just said, in question one, that they wished to save.

It will be very surprising indeed if, given the bias in the Consultation Document , a large majority of respondents do not say that they agreed with the proposal.

#### *The “Option One Question” (2)*

A worse example of bias is found on the next page. At the four Road Shows I attended, the five open public meetings, and in telephone calls and casual conversation and approaches from quite well educated people (including successful business people) the concern most frequently raised with me and other Councillors was “how do I vote for Option 1 when it is not on the list on page two?” Chris Chope MP will confirm that he holds a letter from a Clerk to a Parish Council which includes a comment echoing one familiar to many local Councillors and Residents’

Associations in Christchurch - protesting that it was extremely difficult to show a preference for Option I.

### The Process of Data Collection

Data was collected from respondents in a number of ways. There is no reason to dispute that what might be termed the “collection tools” were constructed in accordance with industry standard protocols. However it is the way in which these tools were used in the consultation which has come into question.

#### *Length of the process*

It was very disturbing, not to say worrying, to note the demeanour of Mr. Hall of ORS at the Highcliffe Castle event when the process was presented to elected members. On being questioned regarding the length of the process, he said that eight weeks was the norm and he had no knowledge or experience of a longer period.

Mr. Hall has been kind enough to mention me by name in his presentation to the Dorset MPs on 4 November, and points out that the 2008 guidance which specified 12 weeks as the minimum consultation period (for comparison the consultation period of 8 weeks for the consultation is the same as that of the consultation on a householder planning application) has been superseded. In fact, the Government’s consultation principles issued in 2016 state:-

E. Consultations should last for a proportionate amount of time

Judge the length of the consultation on the basis of legal advice and taking into account the nature and impact of the proposal. Consulting for too long will unnecessarily delay policy development. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses.

This does not supercede the 2008 Guidance: it amplifies it by adding “a proportionate length of time” to the “minimum of 12 weeks” set out. What was alarming was that at Highcliffe Castle Mr Hall showed he had clearly never heard of the 2008 Regulations.

Considering whether the period of time allowed is indeed proportionate, it is worth noting that the Combined Authority proposals underwent a 12 week consultation, the planned consultation for the changes in major hospital configuration are intended to last for 12 weeks, and it is very, very difficult to suggest that a complete revision of the structure of local government in Dorset is of less importance than these two examples.

It must of course be noted that this shows a defect in the consultation structure rather than necessarily reflecting bias, except to note that by limiting public knowledge beforehand and restricting the time available for public response it would be difficult to mobilise campaigns. In this context it is possible to regard Mr. Hall's views stated at the MPs' briefing that there **were** no petitions and campaigns with a certain degree of cynicism, especially when he stated at the start of the campaign to elected members that the consultants did not want petitions and certainly did not want public meetings as these might attract people with stronger views.

### *The Lack of Control Factors*

As mentioned above, the "closed" focus group meetings give rise to some concern, as there is no way of auditing the information which was provided to these groups. However, there was no control either over the return of the "open" questionnaire. In 1995-6, the problem was averted by having questionnaires sent to each household, and seeking a response from every resident. Intuitively this is a sounder method, and less open to abuse, than the "open" questionnaire, where there is nothing to prevent multiple copies being sent in by one person. The control whereby the respondent is invited to insert his/her post code is somewhat fragile, as malevolent parties could easily use valid, but dummy, postcodes. Similarly with the internet, the use of IP addresses as a control point is somewhat open to abuse. Even someone with one laptop could connect to a number of differing routers and each would generate a separate IP address

### *The "Road Shows"*

The aim of these was twofold: firstly to provide information to the public and then to (i) gather information from them as to their priorities and (ii) to facilitate the distribution of and response to the open questionnaires. Is the first of these that cause some concern.

Following the roadshow at Saxon Square, it was drawn to my attention that a respondent had stated to a Councillor that she had asked the person advising her how she should fill in the form to keep Christchurch as it is. The person "manning the store" said that she should indicate a preference for Option 2 (b). Written evidence of similar misinformation has been supplied by a former Mayor of Christchurch. I am able to confirm that another lady seemed to be being led towards 2 (b) until I joined the conversation: the adviser's comments immediately became less indicative.

Anecdotally, similar concerns have reached me from members of the public who have attended these roadshows.

While documented cases of such an advice are few, it is suggested that they are sufficient to indicate that members of the public were, inadvertently or otherwise, led to indicate a preference on the form which did not in fact reflect their views.

### *The Focus Groups*

In the closed “focus groups” it is a matter for concern that councillors were not invited to attend these meetings in a non-speaking observer mode. However we are fortunate enough to have evidence from Miss Emma Rickard, Secretary of the Highcliffe Branch of the C and EDCA, whose statement, which shows alarming bias, is appended. Another resident asked to a focus group has pointed out that in the meeting which he attended a “vote” was taken after people from East Dorset, who were, perhaps, unlikely to favour Option 2(b), had left the meeting on the grounds that the hour was drawing late. Not surprisingly, those in the meeting from Bournemouth warmly supported Option 2 (b) and this was therefore recorded as the feeling of that group.

While it is true that these two examples do not necessarily indicate widespread bias, it might be thought incumbent on the consulting body (**not** the consultants) to ensure that its processes were beyond criticism. This is not the case here.

## **D. CONCLUSION**

Three questions were posed at the start of this Memorandum:-

- Was the information provided to the public as complete and accurate as possible?

*It has been shown that there were serious deficiencies in the information provided and there are also serious questions over the accuracy of the information, particularly financial, which was provided.*

- Was the process of ascertaining public opinion as impartial as possible or was it, inadvertently or otherwise, likely to produce a certain results which might not accurately reflect the wishes of the public (as opposed to institutional bodies which cannot be reckoned as the borough’s citizens and which would not have a voice in a referendum)?

*It has been demonstrated that there were flaws in the tools used to collect the information which would have the effect of probably overstating support for Option 2 (b)*

- Has the process being conducted in such a way as to ensure public confidence in the final assessment of the consultation and therefore of any recommendation which might be based on this assessment?

*Given the reaction from the Christchurch Citizens' Association, the Somerford Partnership, the correspondence to the MP, and the feedback from the independent public meetings held where propel were invited to discuss their views, the process does not enjoy the confidence of the residents of the Borough.*

For these reasons therefore it is submitted that the results of the work of ORS cannot be relied upon with any confidence as a guide to the opinions of the residents and electors of this Borough.

## **E. PROPOSAL**

It is intended to propose the following resolution:-

This Committee

Takes note of the Memorandum presented to it concerning the Consultation Process for the Reshaping Dorset's Councils project;

Expresses its concern over the points put forward in the Memorandum concerning the validity of the Consultation and believes that these must be borne in mind when considering the forthcoming Report from Opinion Research Services;

Refers the Memorandum to Full Council for use in the consideration of the material to be presented to Members concerning the Project and asks its Officers to prepare and submit at the same meeting a response to the points raised in this Memorandum

D C Jones

The Twenty-Fifth Sunday after Trinity, 2016