

**Derby City Council
Community Regeneration Commission**

**Community Involvement and
Consultation**

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Foreword

To: the Leader of Derby City Council, Council Cabinet members and other readers.

The Audit Commission adopted the definition of consultation being “a process of dialogue that leads to a decision”. The Community Regeneration Commission undertook a topic review entitled *Community Involvement and Consultation* with these terms of reference:

To consider the effectiveness and inclusiveness of Council consultation methods and how outcomes of consultation are used to inform policy.

The Commission began its work in September 2004 with a presentation from the Consultation Support and Communications Teams. As well as separate across-the-table interviews - with the Leader, Chief Executive, former Councillor Ann Crosby and Rhion Jones, from the Consultation Institute - three forum-style meetings were held. These were with community and voluntary groups, black and minority ethnic groups and City Council departmental representatives, thereby enabling a wide range of stakeholder views to be efficiently gathered.

This report is the result of that review. In a nutshell we see no need to go back to the drawing board or for a revolutionary approach – but our recommendations for evolution and improvements to present practices do need to be heeded if fuller coherence is to be achieved and duplication and fatigue minimised.

The prospective employment of a Head of Communications and Consultation is welcome. On several points the Commission has avoided reaching its own conclusion and instead said this is a matter for the new professional to consider – though feedback should be provided about the outcome. Recommendations 3 and 7 also ask consulters to routinely challenge their own practices – the service manager can also ensure those messages are transmitted to practitioners.

Cllr Paul Bayliss, Chair

Cllr Bryan Lowe, Vice Chair

Introductory Note

Only action points are expressed as recommendations, while important messages are conveyed as conclusions. To achieve clarity and brevity, the Commission have again kept justifications to a minimum in the main text; the composite appendix contains the direct evidence given to the Commission, plus other key documentation. The cover photograph shows the 5 May 2005 'Liberation Day' annual event offering information to the over-50's – and a forum for many service providers to consult about policies and plans.

Summary of Conclusions and Recommendations

Conclusion 1: There is considerable misunderstanding about the role of the Consultation Strategy for Derby, it being wrongly seen as prescriptive, with the effect that departmental staff operating *good* methods are not open minded about *best* methods.

Conclusion 2: The Council will only be able to persuade other Derby City Partners, DCP, to actually use it if there is "buy in" from internal departments.

Conclusion 3: The Commission were generally impressed by the standards of the various consultation exercises *but* that an overall coherence was missing.

Conclusion 4: The Consultation Strategy for Derby should be operationally strengthened.

Recommendation 1: **a)** Internally the Strategy needs to be understood better in order for it to be used better; **b)** The Consultation Forum should be bolstered as *the* forum for exchanging of information between practitioners in Council departments and in the wider DCP; **c) i)** For the Council, a yearly programme of consultation should be agreed, brought together through the Consultation Network but agreed by chief officers and Council Cabinet – and buy in promoted from partner agencies and **c) ii)** The Consultation Support Team needs to facilitate this work and have the support of DCP staff to have the intentions of the various partners fed into the process.

Recommendation 2: The Consultation Support Team may not be adequately resourced currently and the enhanced co-ordination role envisaged in recommendation 1 means the team's capacity should be reviewed shortly after the new service manager commences.

Recommendation 3: a) The welcome trend to greater innovation about the locations and timing of consultation should be hastened through institutional challenge about where target audiences are to be found – and when. **3 b)** Possible obstacles identified over terms and conditions of employment should be flagged up through management channels rather than treated as a permanent impediment.

Conclusion 5: There was significant anecdotal evidence that the communication needs of Derby's deaf community had not been met – and they had consequently been deprived of the opportunity to respond about services directly affecting them as a Derby community.

Recommendation 4: Council Cabinet instigate a review for the purpose of better responding to the communication and consultation needs of Derby's deaf community.

Recommendation 5: a) The Council should not revert to the earlier practice of automatically producing a wide range of public documents in specified south Asian languages; **b)** Instead, the key needs are to be i) linguistically sensitive so as to promote equal access to services and information and ii) mindful that some groups are much harder to reach than others.

Conclusion 6: The widening gap between technology enabled residents and those using traditional paper-based methods must not lead to the latter being second class consultees.

Conclusion 7: Neither, though, should the concern expressed in conclusion 6 have the effect of retarding innovation in how the Council communicates with computer and mobile phone users.

Conclusion 8: The aim of ensuring that consultees are actually informed, before expressing opinions, requires care to be taken when matching issues to methods.

Recommendation 6: a) Communicating straightforward information, and seeking feedback, through SMS texting should be considered for appropriate sections of the population **b)** the Council web-site should be used to enable and encourage readers to be informed about issues and options – and then express their opinions.

Recommendation 7: Presenters in consultation exercises should challenge their selves about why the particular audience is being asked for its views and the delivery honed accordingly.

Recommendation 8: that the new Head of Communications and Consultation consider whether the Derby Pointer contract should be re-tendered or, instead, allowed to lapse and the resources saved be moved into additional, more focussed qualitative methods.

Recommendation 9: to avoid legal challenge, when undertaking consultations the Council **i)** needs to make clear if the outcome might be a permutation of one option or a hybrid of two or more options and **ii)** will need to re-consult if a new option is the outcome.

Recommendation 10: **a)** The cost of each proposed exercise should be identified and the political and management leadership should adopt the line that until it can be costed, it will not be authorised and **b)** the value-for-money of consultation must become auditable.

Recommendation 11: Feedback should routinely be given twice. Firstly when responses have been analysed and the *output* of the consultation is known and, secondly, at the later stage, when the decision has been made and the *outcome* is known.

Recommendation 12: **a)** whenever a consultee has provided a name and address the feed back should be provided to that individual in writing **b)** feedback through the media and direct to consultees should summarise the consultation process, including 'piggy backed' attendance at events.

Recommendation 13: Where policy options, seen as controversial to a section of the Derby community, are later discounted this should be made clear through the media and, if there are individual consultees, in writing.

Conclusion 9: Derby City Council policy makers have an appropriate understanding of the role of consultation and the extent it should guide decisions, giving weight to the result but not allowing it to override the need to balance complex considerations.

Section 1: The Consultation Strategy for Derby

“Consultation methods are as appropriate as can be according to the subject and in my opinion we do as well as if not better than other local authorities”
“We have to overcome the barriers between departments. The network is the route for that” Ray Cowlshaw, 6 April 2005. “So departments aren’t talking and sharing contact information so some people are being regularly consulted with and other people are being kept out of the loop” Bimi Rai, 1 March 2005.

The meeting with departmental representatives on 4 April was revealing. It was clear that the calibre of staff managing consultation exercises in the different departments was high. Several times it was indicated that departments’ preferred using their own methods of consultation instead of the Consultation Strategy – interpreting the latter to be prescriptive in methodology. Mr Jones, of the Consultation Institute, later observed that some departmental representatives seemed to believe Whitehall was itself prescribing how particular consultations are undertaken and departments therefore saw the Strategy as subsidiary or irrelevant.

In fact, much of what was described was in full accordance with the Strategy which actually promotes a wide variety of fit-for-purpose methods. These misunderstandings even applied to individuals who attend the Consultation Network and have the effect of staff operating *good* methods not being open minded about *best* methods. The Strategy is an approved DCP document but the Council will only be able to persuade other agencies to actually use it if there is “buy in” from internal departments.

Taking the evidence as a whole, the Commission were left with the feeling that departments were doing-their-own-thing. Members were generally impressed by the standards of the various consultation exercises but that what was missing was an overall coherence. One way to achieve that would be to centralise consultation. However, the Commission agree with the Chief Executive that the advantages of centralisation would be outweighed by the creation of a concomitant set of new weaknesses, particularly that: “It would create a wide gap between the department needing the information and the central team”.

The Commission were also generally satisfied with the Consultation Strategy for Derby but considered that it should be operationally strengthened. The following sentences are therefore about converting existing aspirations into mainstreamed practice.

- Internally the Strategy needs to be understood better in order for it to be used better.
- The Consultation Forum should be bolstered as the information exchange between practitioners in internal departments and in the DCP.
- For the Council, the envisaged Annual Consultation Programme should be made a reality, brought together through the Consultation Network

but agreed by chief officers and Council Cabinet – and “buy in” promoted from partner agencies.

Such an annual cycle offers the opportunity to raise awareness, minimise duplication and fatigue and bring the coherence that has been lacking. The Consultation Support Team needs to facilitate this work and have the support of DCP staff to have the intentions of the various partners fed into the process.

It had been explained, on 28 September 2004, that the Consultation Support Team are exactly that – supporting service departments’ consultations, not undertaking them. The Commission concluded that this central resource may not be adequately resourced to do that presently and the fact that various posts were left empty and not filled seemed to have supported this conclusion. The enhanced co-ordination role envisaged in the preceding recommendation means the team’s capacity should be reviewed shortly after the new service manager commences.

Conclusion 1: There is considerable misunderstanding about the role of the Consultation Strategy for Derby, it being wrongly seen as prescriptive, with the effect that departmental staff operating *good* methods are not open minded about *best* methods.

Conclusion 2: The Council will only be able to persuade other Derby City Partners to actually use it if there is “buy in” from internal departments.

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Recommendation 2: The Consultation Support Team may not be adequately resourced currently and the enhanced co-ordination role envisaged in recommendation 1 means the team’s capacity should be reviewed shortly after the new service manager commences.

Section 2: Methods and Style

The Police “prefer to go to events where the community were actually at in the first instance, rather than putting on a stand alone event for consultation and having an expectation that public would come to that specific event” Inspector Shaun Skelton. “..., if you want to let the community know anything the best places are actually the temples, the mosques, the Sikh temple the other places the people get together” Santokh Singh Moar, both 1 March 2005 “...the officers didn’t seem to know what they wanted out of the consultation with the Women’s Advisory Committee. They hadn’t really highlighted things that they needed answers to. They hadn’t thought: this is a women’s forum. What are the specific issues that I would like comments from women about? Isabella Stone, 4 April 2005

All the evidence showed that those running, or responsible for, consultation considered that the quality and sophistication of processes had improved over recent years. However, using the definition that consultation is “a process of dialogue that leads to a decision” the November 2004 Derby Pointer survey makes disappointing reading.

Box A

Do you agree or disagree that you can influence decisions affecting your local area?

		Count	Col %
DO YOU AGREE/DISAGREE YOU CAN INFLUENCE DECISIONS LOCAL AREA	DEFINITELY AGREE	25	5.8%
	TEND TO AGREE	137	31.7%
	TEND TO DISAGREE	163	37.7%
	DEFINITELY DISAGREE	59	13.7%
	DON'T KNOW	48	11.1%
TOTAL		432	100.0%

These results are compounded by the fact that the response rate was barely 40% of the eligible Panel membership. Clearly steps need to be taken to strive toward a convergence of practitioners’ perceptions and those of Derby citizens. The Commission makes the following specific observations and suggestions – but do not intend this should be an exhaustive list.

At the 1 March meeting with black and minority ethnic representatives, there was a consensus that consultors should go to consultees rather than “expecting us to come to you”. This is increasingly the practice of the Derbyshire Police. Piggy backing on events that are planned to take place reduces the start up efforts, ensures an audience of a reasonably predictable size and allows the hosts to give background information. To an extent the act of hosting conveys approval and augments the credibility of the consulting body. Perhaps the need for that is greatest for the virtually unknown overview and scrutiny function of councils!

That was why the good offices of the Council for Voluntary Service, CVS, and Racial Equality Council, REC, were used for the Commission's own consultation meetings during this review and, previously, the Youth Forum and Youth Service for meetings during *Crime and Disorder and Young People*.

It was clear from examples proffered by service departments on 4 April that the trend is to greater innovation about locations and timings. That is welcomed – but it did not seem to marry up with the perceptions shared by participants at the Commission's evidence gathering forums on 7 February and 1 March. The trend should be hastened: consultation organisers should challenge themselves about where their target audiences are most likely to be found – and when. If terms and conditions about working days/hours pose an obstacle to early morning or Sunday consultation that should be flagged up rather than simply assumed to be a permanent impediment.

As well as spoken language, the needs of Derby's very sizeable deaf community must be met. On 7 February the Commission heard anecdotally of where deaf people have felt very let down, even when an issue clearly affected them as an obviously definable community.

Councillor Nath expressed concern on 1 March about the reduced number of public documents automatically printed in south Asian languages. The Commission considered whether to recommend a return or enhancement to the previous practice. In deciding against, the Commission was mindful that there are new communities in Derby and to equally treat all in the production of printed material would be financially impossible; to meet the needs of a small number of tongues prompts the risk that the very next largest linguistic group feels discriminated against.

Instead, the need is to be linguistically sensitive seeking to promote equal access to services and information and mindful that some groups are much harder to reach than others. A Somali spokesperson told the co-ordination officer that there is no one available to translate between Somali and English.

The widening gap between technology enabled residents and those using traditional paper-based methods must not lead to the latter being second class consultees. Neither, though, should that concern have the effect of retarding innovation in how the Council communicates with computer and mobile phone users. Communicating straightforward information might safely be done to certain audiences by short message service, SMS, texting – as is being considered by the National Health Service: "People with long-term conditions like asthma could soon be receiving health information by text message or email" (PPI Monitor February 2005).

The aim of ensuring that consultees are actually informed, ahead of expressing an opinion, does suggest care is taken when matching issues to methods. Correctly configured a Council web-site consultation can take a reader through a sequence of pages making it more likely that the information is read – in the same way a holiday or insurance is explained and sold on the

internet. Use of the Council website cannot guarantee each option is read but can encourage that.

The Assistant Director – Community Policy made the point that officers fronting a consultation sometimes fail to ask what they wish to gain from a particular forum. This immediately resonated with Commission members from their own experiences as observers at Area Panels and the three Advisory Groups. Often an identical presentation is given at each body rather than honing it to the audience. Some Commission members also volunteered to having made the same mistakes themselves.

Whether consultation is taking place in any part of the civic machinery, or in the wider community infrastructure, presenters should challenge their selves about why the particular audience is being asked for its views. Doing so means the delivery is improved and, in turn, a gain achieved in the volume and quality of responses.

During the life of the review the Deputy Leader of the Council had cause to comment that Derby Pointer may have had its day. As mentioned at the commencement of this section, the November survey had produced a response rate of barely 40% of the eligible Panel membership. On 4 April the Leader was asked about the future of this citizen's panel and explained that the Derby Pointer was becoming less reliable, as the proportion of responses was continuing to decline. He said that for it to be retained it would need to be improved.

Mr Jones' quoted definition of consultation put emphasis on the word "informed". The Commission are aware that Derby Pointer issues commence with a paragraph of explanation. That cannot be sufficient to say that respondents are expressing an informed opinion.

The attraction of providing a more detailed briefing to overcome that deficiency brings twin problems. Firstly, there is no guarantee that a panel member actually reads that information before answering; secondly, as an entirely voluntary activity, adding to the time involved is likely to deter more bothering to reply leading to further reduction in the response rate and a greater unreliability in the findings. The more focussed and deliberative methods used in the SIMALTO exercise seem to offer a more robust approach.

Sensibly, the Council should move from the less, to the more, reliable. It is understood that the current Derby Pointer contract expires shortly. The Commission therefore recommend that the new Head of Communications and Consultation consider whether the Derby Pointer contract should be re-tendered or, instead, allowed to lapse and the resources saved be moved into additional, more focussed qualitative methods.

The Council needs to take account of new case law when consulting on options. Often decision makers in local government finally adopt a course of action that is a permutation from one option, or is a hybrid combining the

better aspects of two (or more) options. During the currency of this review, campaigners against the expansion of Stansted and Luton Airports won a partial victory on the basis that the White Paper asserted that the selected options had been the subject of consultation which had not occurred.

To avoid the risk of legal challenge, when dealing with decisions where consultation is a significant part of the decision making process, the Council needs to be very clear when the outcome might actually be a permutation of one option or a hybrid combining aspects of two or more options. Moreover, if a new option is the result then a further round of consultation with appropriate material will be necessary: the original consultation will have been silent on it.

The Commission had documentation from the Consultation Network and also the benefit of a direct interview with Rhion Jones. Three links with Gershon efficiencies were made.

Firstly, the role of public and staff consultation over the re-engineering of services to deliver enhanced cost effectiveness. Secondly, the need to reduce consultation duplication by different agencies in the locality – as that means inefficient use of the overall public purse. Thirdly, the need to yield cost savings from the total internal spend on consultation, as with every other Council activity. The first task is to know how much is currently spent.

The cost of each proposed exercise should in future be identified and the political and management leadership should adopt the tough line that until a consultation can be costed, it will not be authorised. Given time this will enable the total costs of consultation to be identified and value for money to be audited – the Commission are not convinced the data currently exists to demonstrate whether v-f-m is being achieved one way or the other.

Recommendation 3: a) The welcome trend to greater innovation about the locations and timing of consultation should be hastened through institutional challenge about where target audiences are to be found – and when. **b)** Possible obstacles identified over terms and conditions of employment should be flagged up through management channels rather than treated as a permanent impediment.

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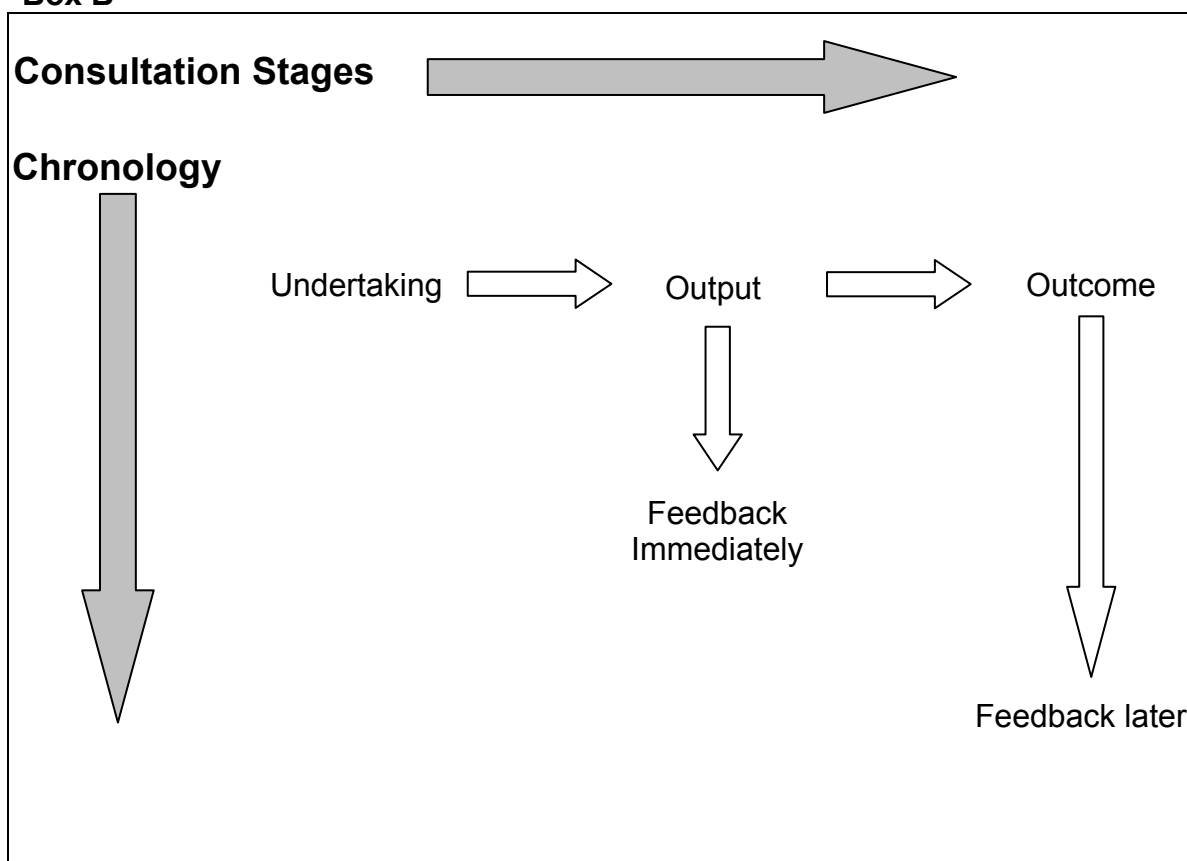
Section 3: Making Feedback Integral

“If you choose not to fill any documentation you can’t expect feedback. But if you do fill in a response or attendance sheet, and give your name and address, you should receive the results.... There are outputs and outcomes.” Ann Crosby, 6 April 2005. “The Council is very keen to listen - but at the same time the Council has to feed back to the community what they have done with the suggestions that have been made” Syed Kazmi, 1 March 2005.

All the contributors to the review stressed the importance of providing feedback to consultees: yet it was apparent from the CVS and REC-hosted meetings that this was perceived not to have happened in most of the cases cited. A dilemma can be whether to feedback shortly after the close of a consultation, so that participants know the views given, or whether to wait until a decision is made on the issue, so that participants know how much their views influenced the outcome.

The Commission recommend that feedback is routinely given twice. Firstly, when responses have been analysed and the *output* of the consultation is known and, secondly, at the later stage, when the decision has been made and the *outcome* is known.

Box B



Although outputs and outcomes will rightly be made public through the media, this is not sufficient for the purpose of feeding back to individual or organisational consultees. Some consultees may not read the local paper or listen to local radio – or simply be away when the story hits the news.

Moreover, the CVS and REC-hosted meetings showed considerable scepticism about the reliability of media coverage. Therefore, whenever a consultee has provided a name and address the feedback should be provided to that individual in writing. The feedback should also summarise how the consultation was undertaken, making particular note of components that involved going to people by ‘piggy backing’ onto other events.

There can sometimes be a need to feedback simply to draw a line under an issue, in order to provide reassurance to people potentially affected, as the following shows.

Box C

While this report is praiseworthy about the SIMALTO exercise, which influenced the 2005/06 budget setting process, there was criticism voiced at the 7 February meeting hosted by the CVS. Social Services user representatives were concerned about the SIMALTO finding that the option of ending the maximum charge cap for domiciliary services had met public favour and this revision of current policy would, therefore, be implemented.

At the 4 April meeting the Leader of the Council explained that the Council Cabinet were not going to implement that option because the interests of the users were considered as more important than the views of the SIMALTO cross-section of council tax payers. This clarity about a future policy intention was news to Commission members..... and it needs to be shared through the media so as to end the anxieties of disability groups and their members.

Recommendation 11: Feedback should routinely be given twice. Firstly when responses have been analysed and the *output* of the consultation is known and, secondly, at the later stage, when the decision has been made and the *outcome* is known.

Recommendation 12: a) whenever a consultee has provided a name and address the feedback should be provided to that individual in writing b) feedback through the media and direct to consultees should summarise the consultation process, including ‘piggy backed’ attendance at events.

Recommendation 13: Where policy options, seen as controversial to a section of the Derby community, are later discounted this should be made clear through the media and, if there are individual consultees, in writing.

Section 4: The Purpose and Parameters of Consultation

“Consultation is only part of a process, of necessity any decision reached has a number of elements that lead to a conclusion.” “The public can be easily swayed by single-issue pressure groups and not be made aware of the full factors surrounding an issue. Consultation outcomes are considered carefully but it is just one part of the decision making process.” Ray Cowlshaw, 6 April 2005

Councillor Burgess has pledged: “We will make sure that public consultation is open and meaningful and a high priority for the new Liberal Democrat and Conservative alliance and one on which we fully intend to deliver.” The Commission had wanted to consider the potentially conflicting perceptions about the purpose of consultation. Often a constituency of opinion that thinks it commands majority support wants the decision makers to automatically adopt that view – turning councillors into clerks implementing a referendum result.

The reverse is when a minority interest expects an ‘enlightened’ approach from decision makers ie the resisting of majority opinion. Box _ gives a good example of this. As a method of gauging public opinion SIMALTO has proven controversial as the CVS-hosted meeting shows. Among councillors too it has been the subject of some scepticism and criticism. Both inside and beyond the Council House, the concern has been that its findings would simply be adopted, with adverse impacts on some service users. If that had happened there could indeed be cause for concern.

However, on 4 April Councillor Burgess gave a narrative about the duty of elected members to balance various factors when decision making “The public’s views are very important, which is why I’m committed to consultation, but elected politicians have to retain responsibility for decisions and balance various interests. Consultation is never about delegating decisions. Two days later Mr Cowlshaw used very similar words: “Consultation outcomes are considered carefully but it is just one part of the decision making process”. The Commission concur with the political and management leaders of the authority.

Conclusion 9: Derby City Council policy makers have an appropriate understanding of the role of consultation and the extent it should guide decisions, giving weight to the result but not allowing it to override the need to balance complex considerations.

Annex**List of evidence documents contained in the Appendix**

	Item	Pages
1	The Consultation Strategy for Derby. The DCC and DCP owned document, explained at the 28 September meeting	1-11
2	Review Newsletter	12-14
3	Scene setting meeting held 28 September 2004 with Sarah Burkinshaw (Consultation Support Manager), Theresa Knight (Public Relations Manager) and Lesley Walker (Area and Neighbourhood Manager) – minutes and related slides	15-66
4	Meeting held 7 February 2005 with community organisations – minutes and flip chart notes	67-79
5	Meeting held 1 March 2005 with black and minority ethnic groups – minutes and flip chart notes	80-103
6	Consultation Institute Briefing Paper 3	104-110
7	Consultation Institute Briefing Paper 4	111-115
8	Consultation Institute Submission to ODPM Select Committee	116-125
9	Meeting held 4 April 2005 with i) departmental representatives ii) Rhion Jones (Consultation Institute) and iii) Cllr Burgess (Leader) – minutes	126-140
10	Meeting held 6 April 2005 with i) Ray Cowlshaw (Chief Executive) and ii) Ann Crosby (former City Councillor) - minutes	141- 148

A copy of the Appendix has been placed in each of the political group rooms. The whole or any part of the appendix is also freely available by e-mailing rob.Davison@derby.gov.uk or by phoning him on 01332 255596