



AUTHOR(S):

TITLE:

YEAR:

Publisher citation:

OpenAIR citation:

Publisher copyright statement:

This is the _____ version of proceedings originally published by _____
and presented at _____
(ISBN _____; eISBN _____; ISSN _____).

OpenAIR takedown statement:

Section 6 of the "Repository policy for OpenAIR @ RGU" (available from <http://www.rgu.ac.uk/staff-and-current-students/library/library-policies/repository-policies>) provides guidance on the criteria under which RGU will consider withdrawing material from OpenAIR. If you believe that this item is subject to any of these criteria, or for any other reason should not be held on OpenAIR, then please contact openair-help@rgu.ac.uk with the details of the item and the nature of your complaint.

This publication is distributed under a CC _____ license.

***The Best-Laid Schemes:
the Provision and Accessibility of
Government Consultation
Information in the UK***

Graeme Baxter

Department of Information Management

ABERDEEN BUSINESS SCHOOL
THE ROBERT GORDON UNIVERSITY

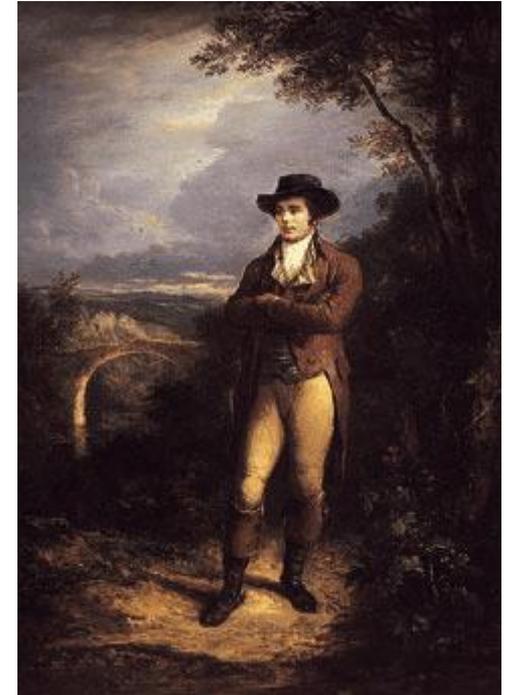


'To a Mouse'

**On turning her up in her nest with the plough,
November 1785**

**But Mousie, thou art no thy lane,
In proving foresight may be vain:
The best-laid schemes o' mice an' men
Gang aft agley,
An' lea'e us nought but grief an' pain,
For promis'd joy!**

Robert Burns (1759-1796)



Note: all images and screenshots used in this presentation are Crown Copyright

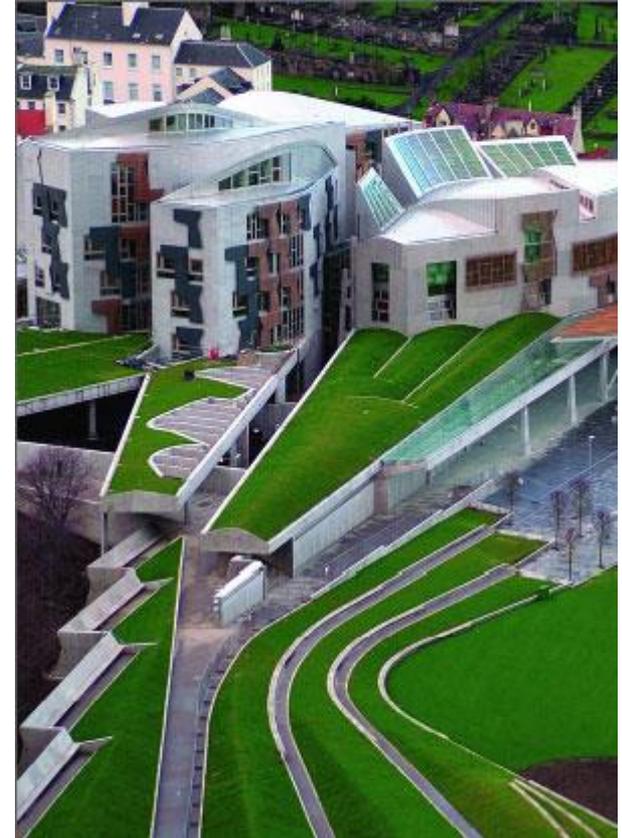
Consultation: a Definition

‘A time limited exercise, when we provide specific opportunities for all those who wish to express their opinions on a proposed area of our work (such as identifying issues, developing or changing policies, testing proposals or evaluating provision) to do so in ways which will inform and enhance that work.’

(Scottish Government, 2008)

Drivers of Increased Consultation Include:-

- **Labour Government's *Modernising Government* agenda.**
 - **Five key principles, including 'Consult'.**
- **Devolution: Scottish Parliament and Scottish Government**
'...should be accessible, open, responsive and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation.'
(Consultative Steering Group on the Scottish Parliament, 1998)



Consultation: Good Practice Guidelines

UK Government

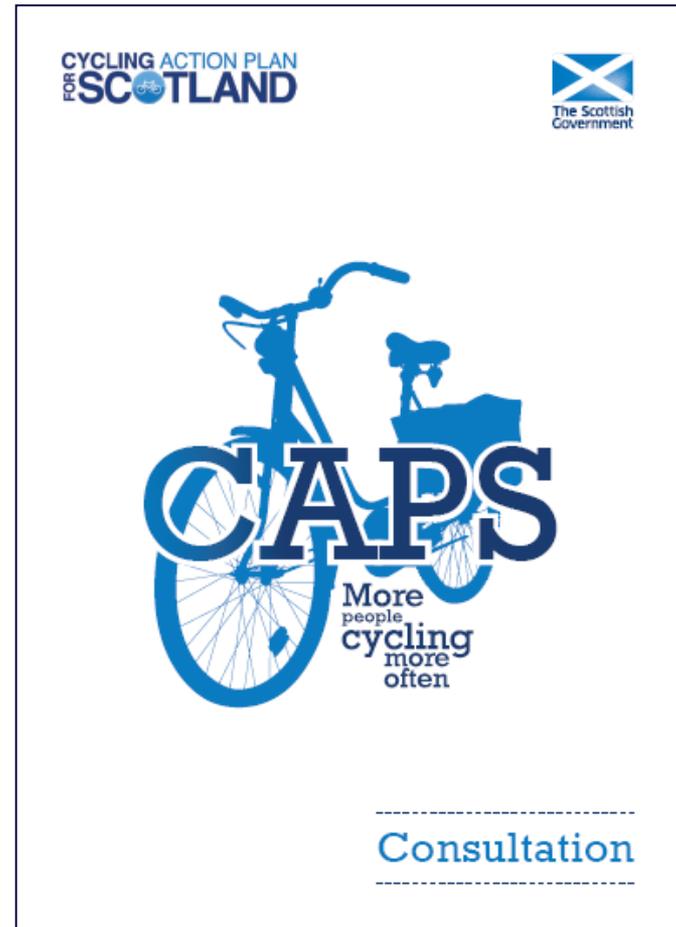
- **Cabinet Office (1998). *How to conduct written consultation exercises***
- **Cabinet Office/Better Regulation Executive (2000). *Code of practice on consultation* (revised 2004 & 2008)**

Scottish Executive/Government

- ***Consultation: good practice guidance* (2002 ; revised 2004 & 2008)**
- ***Good Practice Guidance: Consultation with equalities groups* (2002)**

Consultation Methods

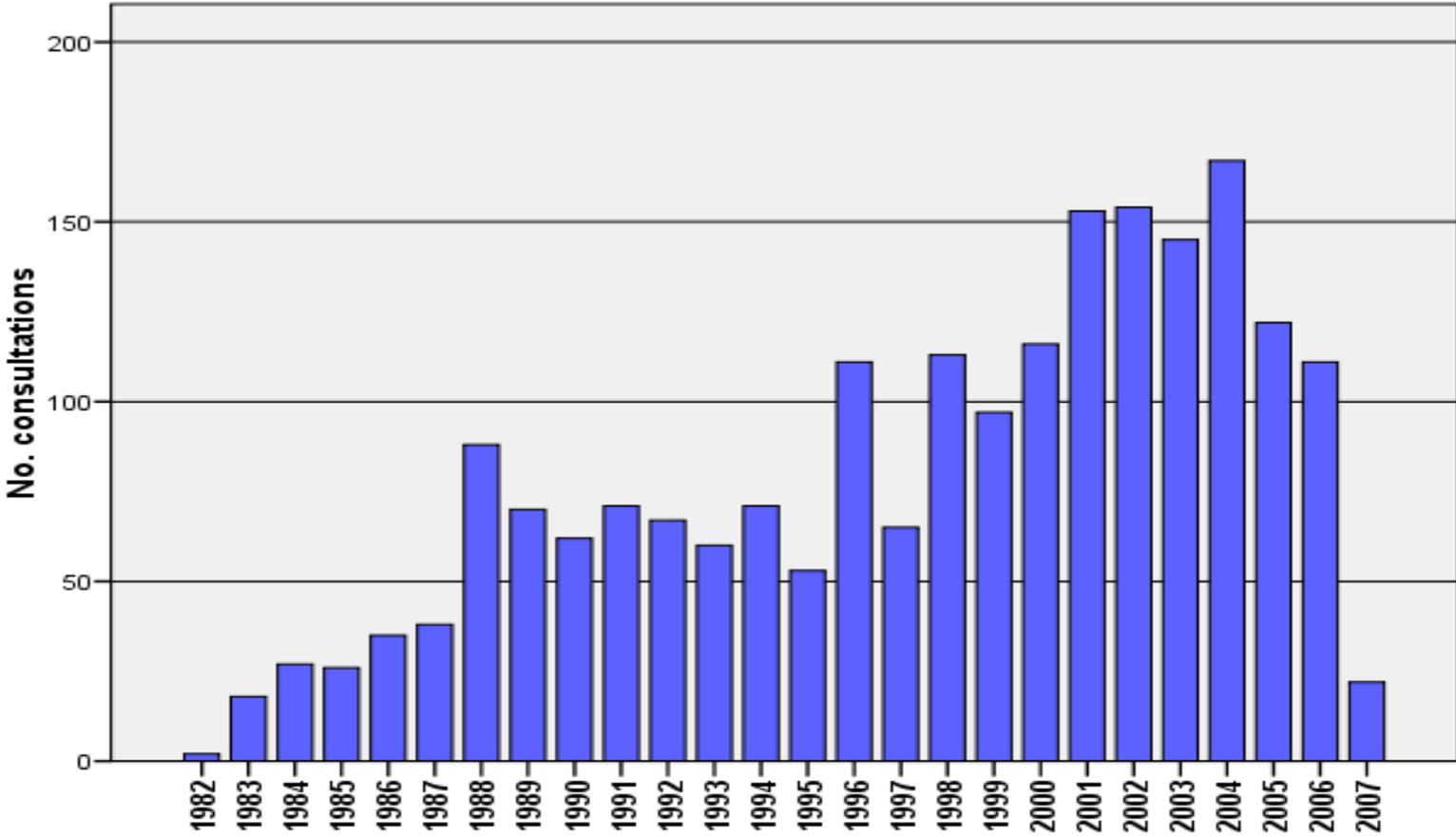
- **Traditionally :-**
 - **Written consultation**
- **Increasingly supplemented with additional methods, such as:-**
 - **Public meetings;**
 - **Workshops;**
 - **Seminars;**
 - **Focus groups;**
 - **Citizens' panels, etc.**



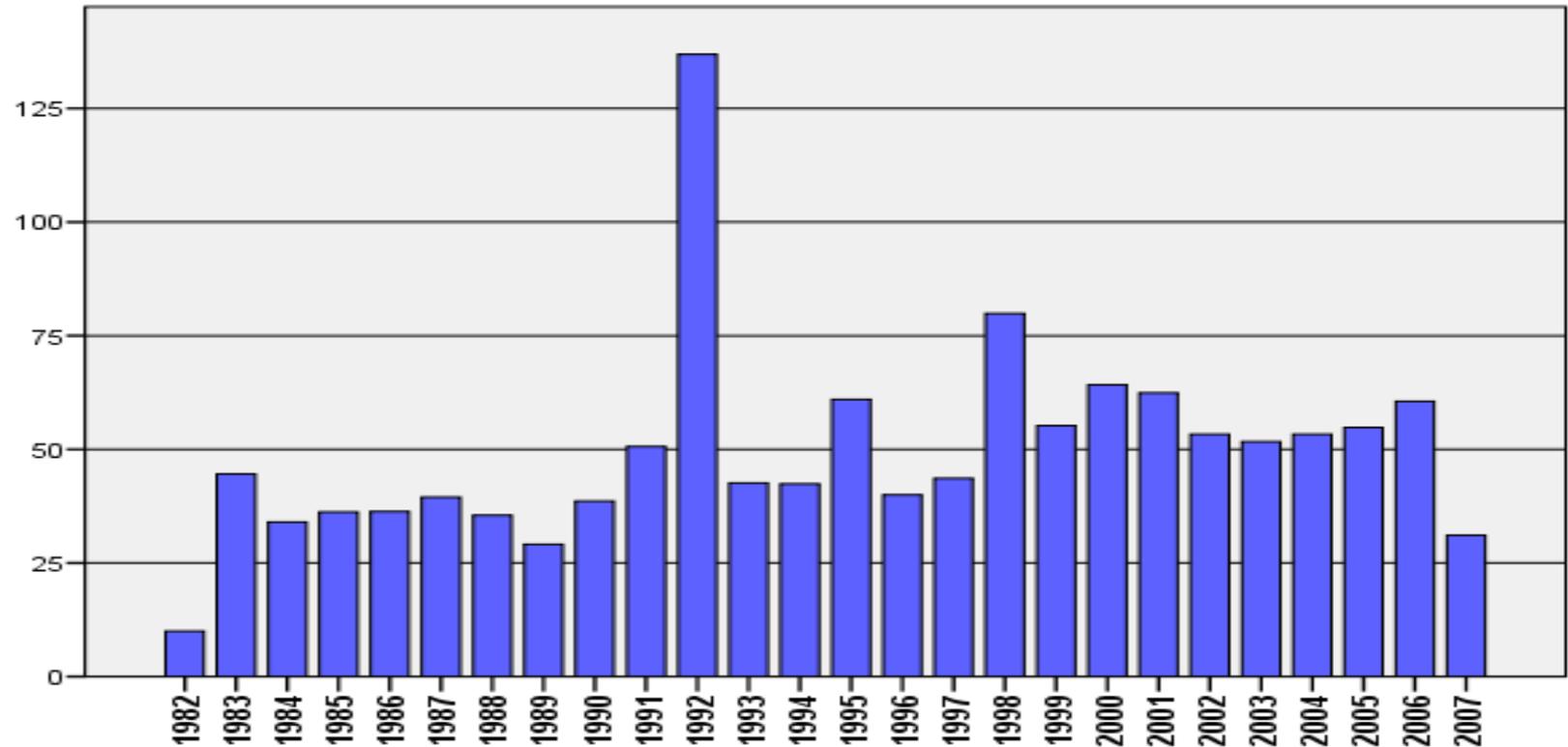
ESRC Project: 'The Mobilisation of Organised Interests in Policy Making'

- **Conducted October 2006 – January 2009**
- **Recorded over 185,000 written responses, from over 19,000 groups and organisations (and thousands of individual citizens), to almost 1,700 Scottish Government consultation exercises, from 1982 to May 2007.**
- **Compiled largely using paper-based records held by the Scottish Government Library; plus the Scottish Government website for more recent material.**
- **Questionnaire survey of 469 non-governmental organisations, identified as responding to at least one consultation in the post-devolution period.**

Consultations Identified (1982 to May 2007)



Average Number of Organisational Responses per Consultation (1982 to May 2007)



‘Top Ten’ Written Consultations (1982 to May 2007)

Subject of Consultation	Year	No. responses
1. Smoking in Public Places	2004	53,474
2. Water and Sewerage Restructuring	1992	4,715
3. Land Reform Bill	2001	3,624
4. Local Government Restructuring	1992	3,242
5. Draft Gaelic Language Bill	2004	2,952
6. Glasgow & Clyde Valley Joint Structure Plan	2006	2,051
7. Standards in Public Life	1999	2,003
8. National Education Debate	2002	1,356
9. Religious Observance in Schools	2002	1,344
10. Children’s Oral Health	2002	1,289

'Actors' and Responses (1982 to May 2007)

Type of Actor	No. Actors	No. Resps.	%. Resps.
Individual Citizens	Not recorded	92,467	49.9
Government/Public Bodies	8,204	51,591	27.8
Groups/Collective Actors	6,284	29,290	15.8
Individual Businesses	3,918	7,032	3.8
Political Parties & Politicians	503	1,216	0.7
Religious Organisations	85	807	0.4
Unknown/Anonymous	127	2,951	1.6
Totals	19,121	185,354	100

57% of organisational actors responded just a single time over the 25-year period

Scottish Government Consultations: Most Frequent Respondents (1982- May 2007)

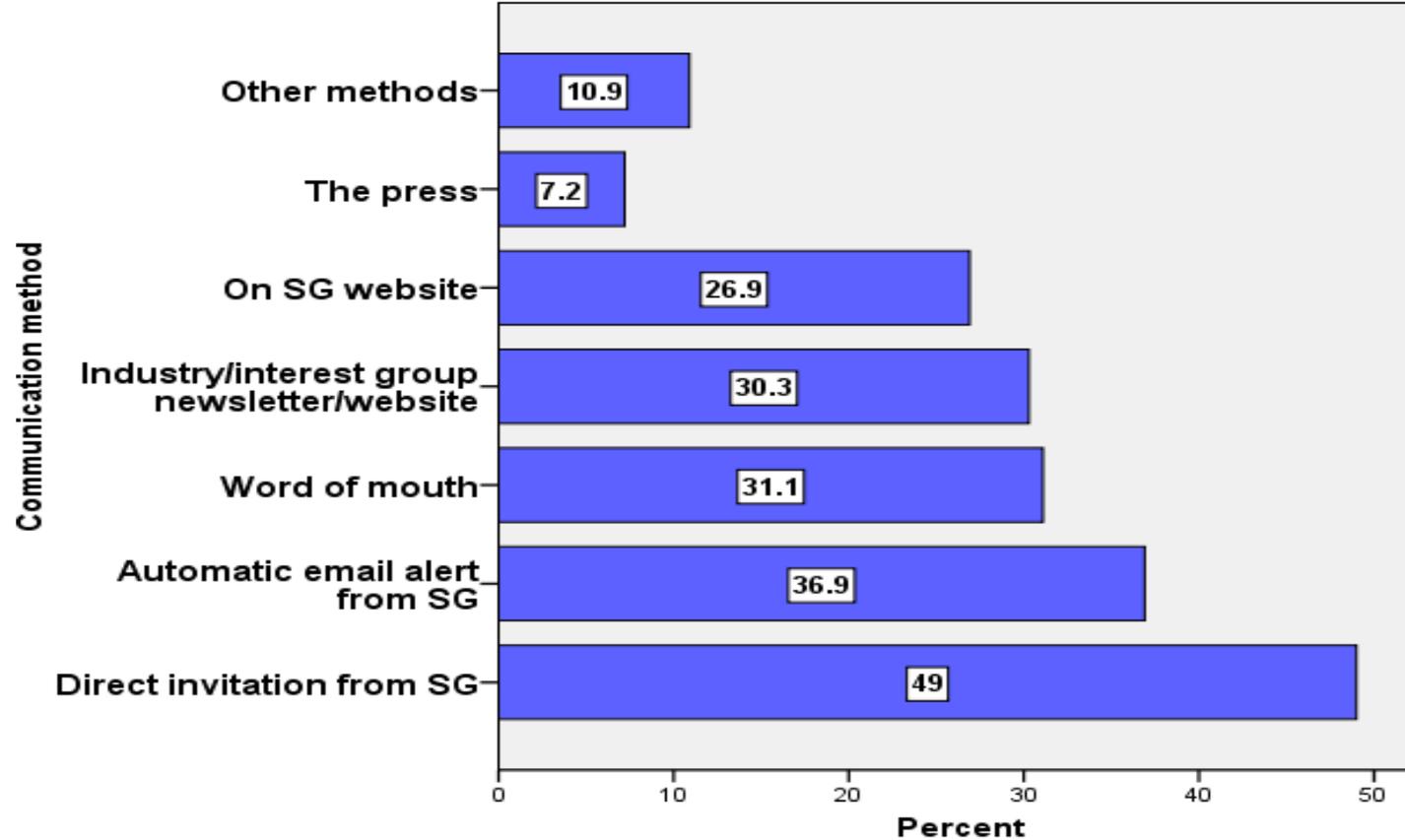
Name	No. Resps.
1. COSLA	679
2. Glasgow City Council	633
3. Edinburgh City Council	625
4. Highland Council	592
5. Aberdeen City Council	569
6. N. Lanarkshire Council	552
7. Fife Council	548
8. S. Lanarkshire Council	539
9. Aberdeenshire Council	524
10. Angus Council	504

Name	No. Resps.
14. Scottish Natural Heritage	461
20. RICS in Scotland	407
21. NFU Scotland	406
25. SRPBA	397
28. Law Society of Scotland	374
29. Church of Scotland	355
31. Scottish Consumer Council	325
33. ACPOS	322
34. University of Edinburgh	322
39. SEPA	300

Consultation Information: Themes from Literature

- **Lack of awareness of consultation exercises;**
- **Failure to reach marginal and minority groups;**
- **‘Consultation fatigue’ amongst regular respondents;**
- **Lengthy, complex consultation documents;**
- **Timescales for responding too short;**
- **Scepticism that consultation is a tokenistic gesture – that decisions have already been made;**
- **Suspicion that the responses of more influential respondents are weighted in some way;**
- **Lack of feedback, particularly on how responses have influenced final policy decisions.**

Learning About Consultations



(Halpin & Baxter, 2008)

Finding Out About Consultations: Distribution Lists

CONSULTEES

Aberdeen City Council
 Aberdeenshire Council
 Adhesive Tape Manufacturers Association
 Advisor to Soil Association
 Advisory Committee on Consumer Products and the Environment
 AEA Energy & Environment
 Aggregate Industries UK
 Agricultural Engineers Association
 Agricultural Industries Confederation
 Agricultural Industries Commission
 Aluminium Finishing Association
 Angus Council
 Argyll & Bute Council
 Asbestos Information Centre
 Associated Parliamentary Renewable and Sustainable Energy Group
 Association for the Conservation of Energy
 Association for Instrumentation, Control, Automation
 Association for the Protection of Rural Scotland
 Association of Electricity Producers
 Association of Environmental Consultancies
 Association of Manufacturers of Domestic Appliances
 Association of Manufacturers of Domestic Electrical Appliances
 Association of Master Upholsterers
 Association of National Park Authorities
 Association of Port Health Authorities
 Association of Private Crematoria & Cemeteries
 Association of Private Pet Crematoria
 Association for the Protection of Rural Scotland
 Association of the British Pharmaceutical Industry
 Association of Train Operating Companies
 Aviation Environment Federation
 BIFFA Waste Services Ltd
 Blue Circle
 BOC Industrial
 British Aerosol Manufacturers Association
 British Aggregates Association
 British Aerosol Manufacturers Association
 British Air Transport Association
 British Association for Bio-Fuels and Oils
 British Association for the Advancement of Science
 British Association for Chemical Specialities
 British Box and Packaging Association
 British Cement Association
 British Ceramic Confederation
 British Chambers of Commerce

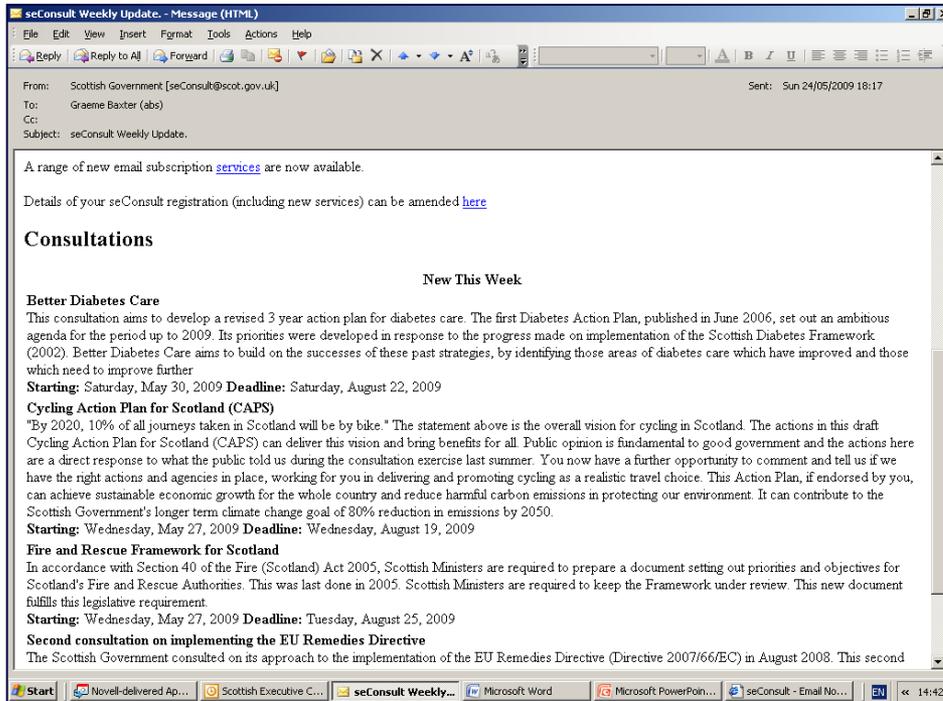
ANNEX D

British Chemical Distributors and Traders Assoc
 British Coatings Federation
 British Ecological Society
 British Energy
 British Footwear Manufacturers Association
 British Furniture Manufacturers
 British Geological Survey
 British Glass Manufacturers Federation
 British Gypsum Isolator Ltd
 British Hardware and Housewares Manufacturers' Association
 British Hardware Federation
 British Institute of Funeral Directors
 British Leather Confederation
 British Lime Association
 British Meat Federation
 British Meat Processing Association
 British Medical Association (Scotland)
 British Nuclear Fuels Plc
 British Packaging Association
 British Plastics Federation
 British Poultry Meat Federation
 British Precast Concrete Federation Ltd
 British Printing Industries Federation
 British Rubber Manufacturers Association
 British Metals Recycling association
 British Soil Science Society
 British Surface Treatment Suppliers Association
 British Water
 British Waterways
 British Wind Energy Association
 British Wood Preserving & Damp Proofing Assoc
 British Wood Turners Association
 British Woodworking Federation
 Business Council for Sustainable Development
 Business Council for Sustainable Energy UK
 Business in the Community
 Carbon Trust
 Carpet Foundation
 Cast Metal Federation
 Castings Technology International
 Central Science Laboratory
 Centre for Alternative Technology
 Centre for Corporate Social Responsibility
 Centre for Ecology & Hydrology

17

- **‘Mandatory’ recipients:-**
 - COSLA and all 32 local authorities;
 - Clerk of relevant Scottish Parliament Committee;
 - All Scottish MEPs;
 - Equal Opportunities Commission;
 - Commission for Racial Equality;
 - Disability Rights Commission;
 - Scottish Government Library;
 - SPICe Library;
 - The six Legal Deposit Libraries.

Finding Out About Consultations: *seConsult*



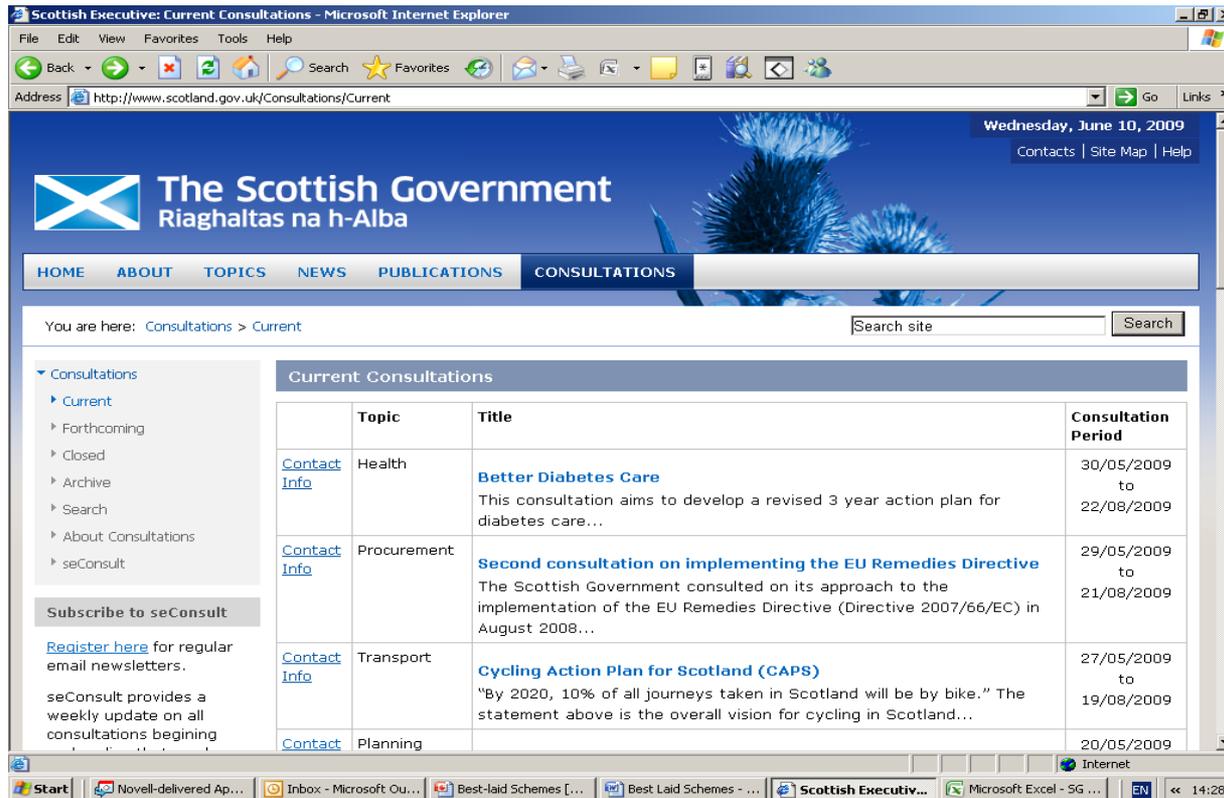
- **Launched in March 2004.**
- **Weekly email updates on new consultations.**
- **Aimed at complementing, not replacing, distribution lists.**
- **Currently has over 8,000 subscribers.**

Distribution Lists: Response Rates

(from a sample of 173 consultations)

	Pre-devolution	Post-devolution	2004-2007 only
Average number invited to respond per consultation	126	217	269
Average response rate per consultation	37%	22%	21%
Average number of organisational responses per consultation	52	56	55
Average percentage of organisational respondents who had been invited, per consultation	77%	77%	76%

Finding Out About Consultations: Scottish Government Website – Current Consultations



The screenshot shows the Scottish Government website's 'Current Consultations' page. The page header includes the Scottish Government logo and the date 'Wednesday, June 10, 2009'. The navigation menu highlights 'CONSULTATIONS'. The main content area features a table of current consultations with columns for Topic, Title, and Consultation Period. A sidebar on the left provides navigation options and a subscription link for 'seConsult'.

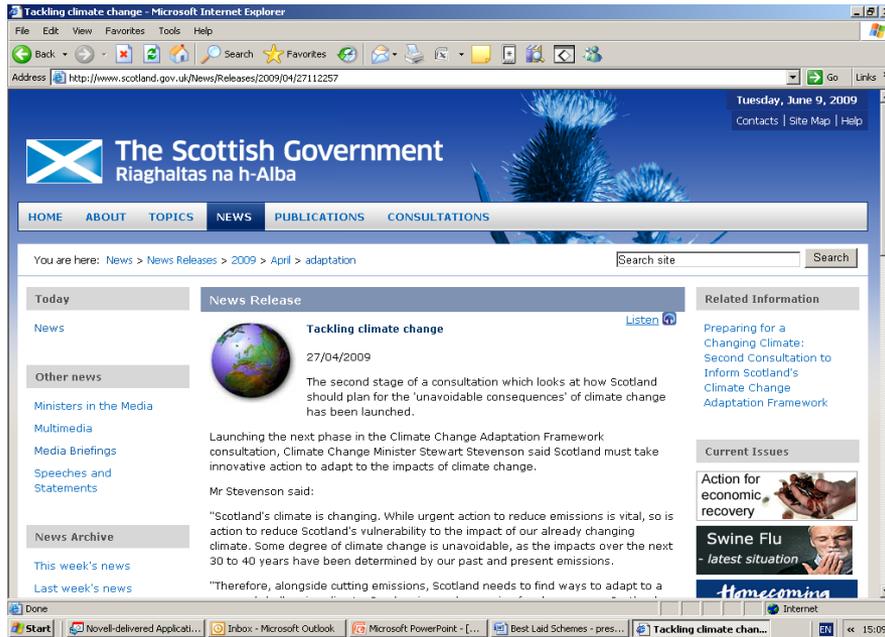
	Topic	Title	Consultation Period
Contact Info	Health	Better Diabetes Care This consultation aims to develop a revised 3 year action plan for diabetes care...	30/05/2009 to 22/08/2009
Contact Info	Procurement	Second consultation on implementing the EU Remedies Directive The Scottish Government consulted on its approach to the implementation of the EU Remedies Directive (Directive 2007/66/EC) in August 2008...	29/05/2009 to 21/08/2009
Contact Info	Transport	Cycling Action Plan for Scotland (CAPS) "By 2020, 10% of all journeys taken in Scotland will be by bike." The statement above is the overall vision for cycling in Scotland...	27/05/2009 to 19/08/2009
Contact	Planning		20/05/2009

**Closely linked to the Consultation Registration & Evaluation System
(CRES)**

ABERDEEN BUSINESS SCHOOL
THE ROBERT GORDON UNIVERSITY



Finding Out About Consultations: The Press



Press Releases Oct 1997 – June 2009

Pre-consultation announcements	7
Launch of consultation	347
‘Progress reports’	17
Publication of Analysis Reports	24
Publication of Scottish Govt. response to consultation	10

Just 18% of the most recent consultations (i.e. June 2007 to June 2009) have associated press releases.

Methods of Responding to Consultations: by Post, e-mail or Online Response Form

Address: <http://www.scotland.gov.uk/consultations/health/betterdiabetescare.asp>

Consultation Questions

SECTION 3: DEVELOPING HIGH QUALITY DIABETES CARE

Please give us your feedback below on the following sections of the consultation document:

- Supporting Improvement (see Section 3.3)
- Focussing Improvement (see Section 3.4)
- Psychological and emotional support (see Section 3.5)
- Diabetes related hospital admissions and inpatient care (see Section 3.6)
- Black and Ethnic Communities (see Section 3.7)
- Diabetic Foot Care (see Section 3.8)
- Retinopathy Screening (see Section 3.9)
- Structured Education (see Section 3.10)
- Professional Education (see Section 3.11)
- Research (see Section 3.12)
- Out of Hours Service (see Section 3.13)
- Pregnancy (see Section 3.14)
- Insulin Pump Therapy (see Section 3.15)
- Care Homes (see Section 3.16)
- Diabetes and Kidney Disease

SECTION 4: PUTTING PATIENTS AT THE CENTRE

Please give us your feedback below on the following sections of the consultation document:

Address: <http://www.scotland.gov.uk/consultations/health/sippcrf.pdf>

RESPONSE FORM

1. Having considered the health risks associated with passive smoking, do you think that better action needs to be taken to reduce people's exposure to second-hand smoke? (Please tick one box only)

Yes No Not Sure

Please provide any other comments here

2. Would you support a law that would make restaurant public places smoke-free? (Public places include workplaces and public transport) (Please tick one box only)

Yes No Not Sure

Please provide your reasons or any other comments here

- **All consultations now provide postal and email return addresses;**
- **Around 10-15% provide an online response form;**
- **Around 30% provide a pre-prepared blank response form, in Word or PDF;**
- **Standard response period is 12 weeks.**

The Respondent Information Form

- **Individuals can choose to:-**
 - **Make their response, name and address publicly available;**
 - **Make their response available, but not their name and address;**
 - **Make their response and name available, but not their address; OR**
 - **Make neither their response or their name and address publicly available.**
- **Groups and Organisations can choose to:-**
 - **Make their *response* publicly available (i.e. their name and address will *always* be made publicly available)**

 **RESPONDENT INFORMATION FORM**
Please Note That This Form Must Be Returned With Your Response To Ensure That We Handle Your Response Appropriately

1. Name/Organisation
Organisation Name

Title: Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Forename

2. Postal Address

Postcode Phone Email

3. Permissions
I am responding as...
Individual / Group/Organisation
Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?
Please tick as appropriate: Yes No

(b) Where confidentiality is not requested, we will make your response available to the public on the following basis:
Please tick ONE of the following boxes:
Yes, make my response, name and address all available
or
Yes, make my response available, but not my name and address
or
Yes, make my response and name available, but not my address

(c) The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government web site).
Are you content for your response to be made available?
Please tick as appropriate: Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future. And we reserve your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
Please tick as appropriate: Yes No

Scottish Government Website : 'Closed' and 'Archive' Sections

Address: <http://www.scotland.gov.uk/Consultations/Closed/Q/Page/26>

You are here: Consultations > Closed

Page: [1] ...[24] [25] [26] [27] [28] [29] ...[45]

	Topic	Title	Consultation Period
Contact Info	Education and Training	Consultation on the draft Code of Practice, draft policy papers and associated draft regulations The Education (Additional Support for Learning) (Scotland) Act 2004 contains provision for a Code of Practice and Regulations to be published...	29/11/2004 to 25/02/2005
Contact Info	Education and Training	Consultation on the draft Code of Practice, draft policy papers and associated draft regulations The Education (Additional Support for Learning) (Scotland) Act 2004 contains provision for a Code of Practice and Regulations to be published...	29/11/2004 to 25/02/2005
Contact Info	Education and Training	Consultation on the draft Code of Practice, draft policy papers and associated draft regulations The Education (Additional Support for Learning) (Scotland) Act 2004 contains provision for a Code of Practice and Regulations to be published...	29/11/2004 to 25/02/2005
Contact Info	Education and Training	Consultation on the draft Code of Practice, draft policy papers and associated draft regulations The Education (Additional Support for Learning) (Scotland) Act 2004 contains provision for a Code of Practice and Regulations to be published...	29/11/2004 to 25/02/2005

- Covers May 2002 to date (but no duplication of Archive content)
- Many 'duplicate' entries (CRES ID number)
- 'Idiosyncratic' search engine
- Just 8% have links to analysis/feedback

Address: <http://www.scotland.gov.uk/Consultations/Archive>

You are here: Consultations > Archive

Page: [1] [2] [3] [4] [5] [6] [7] [8] ...[29]

Topic	Title	Closing Date
Environment	Environmental Assessment of Development Plans Contains advice on how the likely environmental effects of structure and local plans can be assessed.	01/09/2004
Environment	Guide to Transport Assessment in Scotland Consultation Paper The Guide sets out the requirements for the preparation of a Transport Assessment...	31/12/2003
Crime, Law, Justice and Rights	The Nicholson Committee Report on Liquor Licensing Law consultation letter	19/12/2003

- Covers Oct 1998 to Sep 2004
- 20% of links are broken
- Search engine does not search these pages
- Less than 5% have links to analysis/feedback

Scottish Government Website: Publications Pages

Scottish Government - Recent Publications - Microsoft Internet Explorer

Address: http://www.scotland.gov.uk/Publications/Recent/Q/Page/9

You are here: [Publications](#) > [Recent](#)

Search site Search

SE Publications

- [Publications](#)
A library of publications
- [Consultations](#)
Publications seeking public opinion on a wide range of issues, particularly prior to proposing legislation.
- [RSS](#)
RSS Version of this page
[What is RSS?](#)

Other Publications

- [Bills](#)
Proposed legislation currently before the Scottish Parliament
- [Scottish Legislation](#)
The Acts and Statutory Instruments of the Scottish Parliament since devolution
- [UK Legislation](#)
The Acts and Statutory

Search Publications

Page: [\[1\]](#) ...[\[7\]](#) [\[8\]](#) [\[9\]](#) [\[10\]](#) [\[11\]](#) [\[12\]](#) ...[\[439\]](#)

Filter Publications By:

Month: Year: Keyword(s):

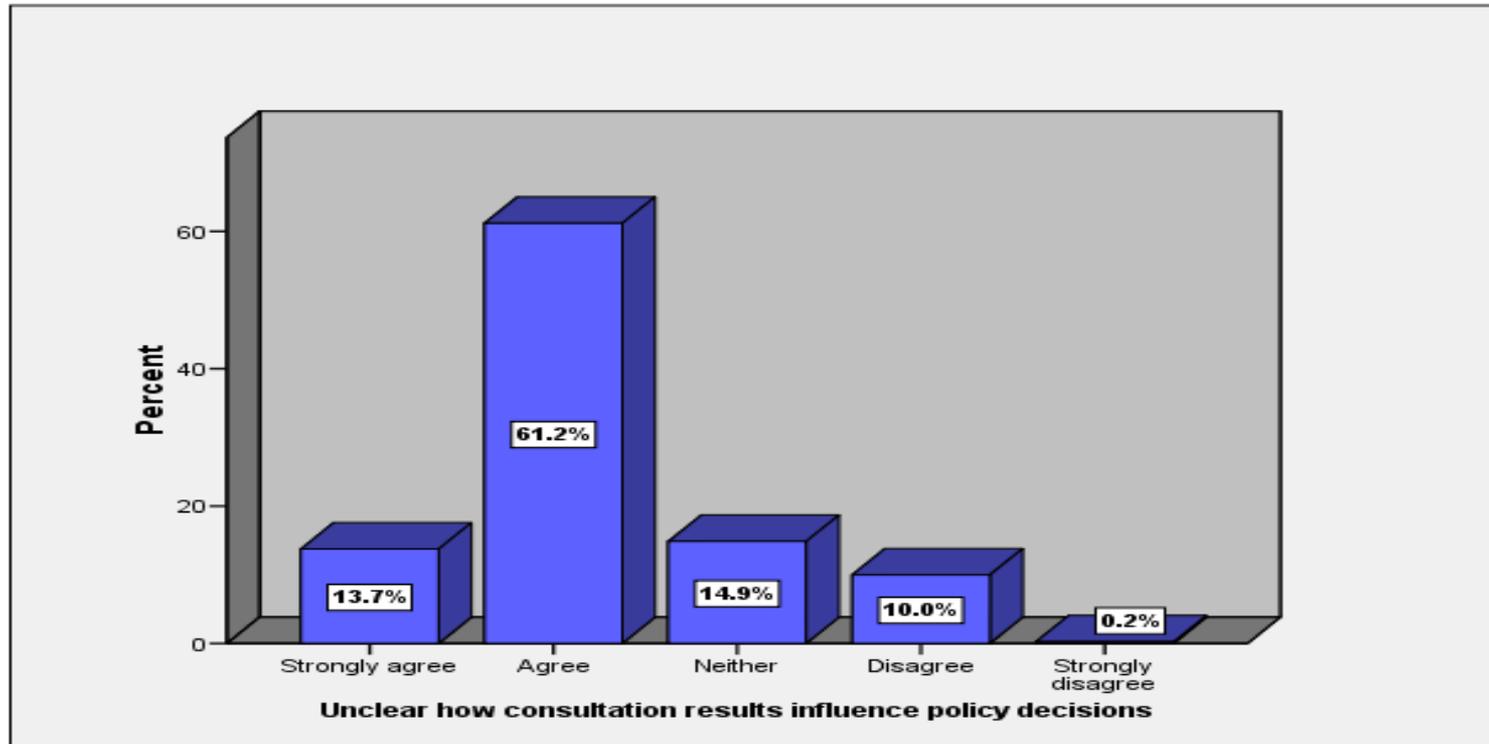
Topic: Sort By: Search

Date	Main Topic	Title and Summary
25/03/2009	Science, Technology and Innovation	Arrangements for NHS patients receiving healthcare services through private healthcare arrangements [Letter/Circular] Guidance for healthcare staff
25/03/2009	Environment	Consultation on Draft Technical Guidance for Noise Management Areas, under Strategic Noise Action Plans [Consultation] Consultation Document on Draft Technical Guidance for Noise Management Areas
25/03/2009	People, Communities and Living	Consultation Response Report: The Housing (Scotland) Act 2006: Guidance for Local Authorities [Consultation Responses] Consultation Response
25/03/2009	Education and skills	Expenditure on School Education in Scotland, 2007-08 [Publication] Expenditure on School Education in Scotland, 2007-08

Start | Novell-delivered Applicati... | Inbox - Microsoft Outlook | Microsoft PowerPoint - [... | Best Laid Schemes - pres... | Scottish Government ... | EN | << 17:00

Consultation Feedback

‘When done badly or not at all it undermines the whole process and risks losing goodwill that might be required in future consultation exercises.’ (Better Regulation Executive, 2008)



(Halpin & Baxter, 2008)

Feedback: Responses Only

Consultation on Raising the Age of Smoking to 18 Years - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address <http://www.scotland.gov.uk/Publications/2007/03/30145100/0> Go Links

Tuesday, June 9, 2009
Contacts | Site Map | Help

 **The Scottish Government**
Riaghaltas na h-Alba

HOME ABOUT TOPICS NEWS **PUBLICATIONS** CONSULTATIONS

You are here: [Publications](#) > [2007](#) > [March](#) > [Consultation on Raising the Age of Smoking to 18 Y](#) > [content](#) Search

Consultation on Raising the Age of Smoking to 18 Years

Description	Consultation responses on Raising the Age of Smoking to 18 Years
ISBN	(Web Only)
Official Print Publication Date	
Website Publication Date	April 04, 2007

[Response Number 01 - Mrs Jacqueline Marshall](#) [Listen](#)

[Response Number 02 - David&Kathryn Gordon](#)

[Response Number 03 - West Lothian Council](#)

[Response Number 04 - South Ayrshire Council](#)

[Response Number 05 - Moray Council](#)

[Response Number 06 - Bridget Harris](#)

[Response Number 07 - Aberdeenshire Infracstructure Services Committee](#)

Done Internet

Start Novell-delivered Applicati... Inbox - Microsoft Outlook Microsoft PowerPoint - [...] Best Laid Schemes - pres... Consultation on Raisi... EN << 11:41

Feedback: 'Digests'

en on the part of the enforcing authority. We do not consider this to be a necessary measure to improve the enforcement process.

Requirement to submit a Start Notice

Local Authorities

East Dunbartonshire Council: Whilst this approach to managing development is welcomed and appears to reflect the public perception of the role of the Planning Authority the level of increased workload would be very considerable indeed and will probably require not only increased investment in information management but also in staff resources.

East Lothian Council: The introduction of Start Notices, and further advice when further stages are completed, is well intentioned but experience of a similar system in Building Standards suggests it will not be easy to implement. In any event this more proactive approach will require a significant increase in manpower.

Inverclyde Council: This is to be supported, although there are likely to be greater workload burdens in monitoring. There is no reference to penalties for non-submission of notices.

Moray Council: A start notice would be useful tool if the staff resources were given to deal with this new procedure. At a start notice would do is to highlight a large number of breaches of conditions, all of which would then need to be pursued. A team of people would be needed to deal solely with breaches of conditions and would in practice be difficult to co-ordinate and implement such a proposal. The consequence of not submitting further notifications is not addressed and is a development ever completed?

Development Industry

Glasgow Harbour Ltd (GHL): As part of the review of the enforcement process, The White Paper proposes that developers will be required to submit notices to the planning authority informing them of various stages of the development. We consider that these proposals and the required responses from the planning authority could potentially result in delays to development.

Other Businesses

Universities Superannuation Scheme Ltd (USS): As part of the review of the enforcement process, The White Paper proposes that developers will be required to submit notices to the planning authority informing them of various stages of the development. We consider that these proposals and the required responses from the planning authority could potentially result in delays to development.

Professional Organisations

RIAS: Notices of commencement of development should remove some of the arguments about whether a consent is still live and when it runs from, although as with the Building Regulations a 'completion' certificate would ease issues of modification and enforcement. This might be especially appropriate for Listed Building Consents.

Planning Consultants, Architects and Lawyers

Divvers Jones: As part of the review of the enforcement process, The White Paper proposes that developers will be required to submit notices to the planning authority informing them of various stages of the development. We consider that these proposals and the required responses from the planning authority could potentially result in delays to development.

Voluntary Organisations

Brethren Gospel Trusts: We support the concept of a Start Notice, but submit that this must be accompanied by a statutory duty on a local planning authority to determine applications for approval of suspensive or conditions precedent within a strict time limit.

Ferryhill Heritage Society: Also welcome the idea that the council should be advised when all work starts. This should again apply to ordinary household applicants as well as developers, especially in conservation areas.

LAs to publish a Planning Enforcement Charter

Local Authorities

Moray Council: The Council should have a clear enforcement policy and charter. However, once the charter is in place the resources would need to be given to enable the charter to be complied with.

North Lanarkshire Council: The proposed Planning Enforcement Charter is welcome, the merits of standardisation through national guidance should be considered.

Voluntary Organisations

Kilmacollin Civic Trust: Two issues are of concern - the developer does not adhere to the conditions and the local planning authority advises nobody as to the reasons. What has been a highly controversial local issue is suddenly surrounded by a communications gap which the local planning authority feels no obligation to fill. This state of affairs prompts further questions to which satisfactory answers, let alone definitive ones are often not available. In commercial enterprises most managers produce monthly updates in report form on outstanding issues - if planners do this it is not for the public. This may be viewed as a cultural and an enforcement issue but the White Paper does not seem to recognise it as a problem. For concerned residents no news is bad news.

Private Individuals

Sangster, Ann C Mrs: The introduction of a Planning Enforcement Charter setting out local authorities' policy in respect of planning enforcement should benefit the system. However, statutory requirements and regulations can only be as effective as the considerations directed to enforce them.

Review of grounds for compensation

Other Businesses

Tarmac Ltd: I would not wish to see compensation tightened to such a degree that the authority 'has nothing to lose' or that there is no deterrent in going straight down the enforcement route as opposed to seeking to resolve matters amicably.

Professional Bodies

The Law Society of Scotland: The Society notes and has sympathy with the proposal to abolish compensation for a stop notice. However, if the planning authority is wrong about a breach of planning control or about immunity, it is not clear why any loss resulting from the stop notice should fall on the developer. Stop notices can also have immediate and serious effect on jobs and planning authorities should be required to give consideration to these effects before serving such a notice.

Planning Consultants, Architects and

The Elphinstone Environment Campaign

- consider definition of communities should be extended to individual properties
- suggest introducing a separation distance for storage compounds
- point out that many Scottish sites much larger than those in Newcastle study
- suggest an increase in separation distance
- highlight practical difficulties in obtaining adequate background data and predicting dust levels - could be open to wide interpretation
- point out importance of precautionary principle

Mining and Environment Group Ayrshire

- feel further research over a wider age group and range of sites required, especially in relation to Scotland
- suggest clarification of which authority responsible for which type of dust
- query some details of Newcastle research
- consider that clearer procedures for assessment procedures should be prescribed
- welcome recognition that dust is a material planning consideration
- feel wording of recommendations should be more explicit and less open to interpretation
- welcome extension of recommendations to all quarry types
- believe risk assessment should be part of EIA
- feel ecological effects of dust require further attention
- believe any dwelling within specified area should be considered 'sensitive'
- feel 1000m cutoff should be considered a minimum and that there should be no developments within this zone
- question local authority expertise for undertaking adequate dust assessments
- suggest sensitive monitoring equipment should be used, e.g. pollen counters, and that there should be a one year monitoring period prior to development
- believe monitoring requirements should be split out in more detail
- concerned about lack of attention to very small and diesel particles in recommendations
- believe more attention needs to be given to control as well as monitoring measures
- believe local authorities should be required to demonstrate they have followed assessment framework

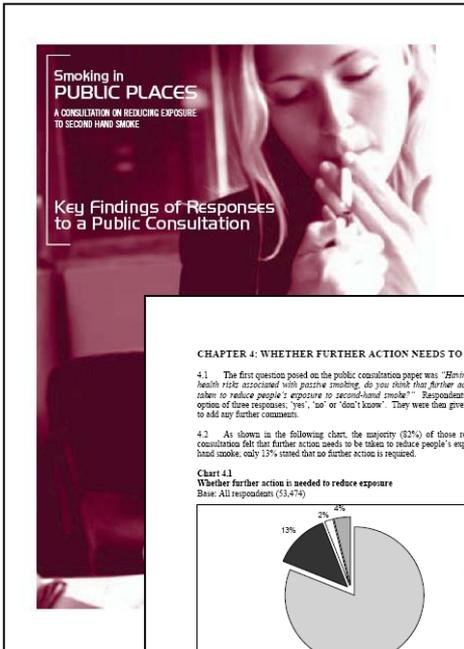
No Opencast

- emphasise importance of precautionary principle
- consider separation distance should be extended to 1km
- suggest clarification of technical term could be included in guidance for non specialists
- point out requirements for new monitoring points and for data to be accessible to affected communities

Scottish Opencast Action Group

- welcome extension to all mineral types
- feel implications of Newcastle research for Scotland are being underestimated
- suggest this would be opportunity to extend separation distance between dwellings and mounds/bunds to minimum 500m, given overburden shown to be main PM₁₀ source
- consider Newcastle research insufficient for considering long term persistent effects - believe revised guidelines should address this by revising NPPG 16 para 43
- suggest references to 'communities' and 'sensitive dwellings/users' should be replaced by 'dwellings'

Feedback: 'Analysis Reports'



CHAPTER 4: WHETHER FURTHER ACTION NEEDS TO BE TAKEN

4.1 The first question posed on the public consultation paper was "Having considered the health risks associated with passive smoking, do you think that further action needs to be taken to reduce people's exposure to second-hand smoke?" Respondents were given the option of three responses: "Yes", "No" or "don't know". They were then given the opportunity to add any further comments.

4.2 As shown in the following chart the majority (82%) of those responding to the consultation felt that further action needs to be taken to reduce people's exposure to second-hand smoke; only 13% stated that no further action is required.

Chart 4.1
Whether further action is needed to reduce exposure
Base: All respondents (53,474)

Response	Percentage
Yes	82%
No	13%
Don't know	2%
No reply	3%

(Source: Q1)

4.3 When we examine sub-groups within the responses, there is little difference between the views of males and females, the age group of the respondent, or indeed the type of response, but that persons (82%) or on behalf of a group or organisation (79%).

4.4 However, there were some differences in terms of the method used to submit a response to the consultation. Of those using the web to respond, 84% felt that more needed to be done, whereas 7% of those replying via a hard copy of the consultation paper felt that further action needed to be taken to reduce people's exposure to second-hand smoke.

4.5 Not surprisingly, there were also differences according to smoking status, with 94% of those who do not smoke claiming that further action is needed, in comparison to only 43% of respondents who smoke. There were also some differences in response from organisations. Within the companies and organisations responding to the consultation, those in the hospitality sector, especially bars and pubs, were less inclined to agree that further

12

Listing of Non Principal General Dental Practitioners, Optometrists and Ophthalmic Medical Practitioners: Summary of Responses

- Fourteen written responses were received and comments were received by telephone from one respondent.
- Eleven responses supported or supported strongly the proposal. Two respondents opposed the proposal. Two respondents had no comments.
- Of the respondents who opposed the proposal, one felt that a list of non principal dentists would be out of date quickly. One asked that no difficulties be placed in the way of providing short-term dental care cover in rural practices.
- Several of the respondents who supported the proposals raised points of detail. One emphasised that the listing should be done in the least bureaucratic way possible and suggested that it should be carried out for the whole of Scotland by the Common Services Agency.
- Two respondents asked about the ability of NHS Boards to administer the new lists.
- One respondent mentioned the importance of quality of service and asked if consideration was being given to further training/re-training for dentists who were currently working but might be seen as unsuitable for listing.
- One respondent suggested that once non principals were listed they should receive an NHS pension and Scottish Executive money to attend post-graduate professional courses in the same way that principals do currently.

Primary Care Division
Scottish Executive Health Department
10 June 2004



2.1 Introduction

We begin our report of the findings with a brief overview of the results of our analysis of the response to the consultation exercise. (See Appendix 2 for an annotated version of the questionnaire.) One of the first steps was to determine who had responded to the Consultation Paper – either by submitting a questionnaire, or by making their views known to us via other forms of written submission. It is to this issue that we now turn. We conclude this section by outlining the main messages to emerge from the consultation exercise.

2.2 The respondents

We received a total of 1,473 submissions via the consultation questionnaire. Of these, 70% were from individuals, and 30% were responses made on behalf of an organisation. (See Appendix 3 for a complete list of the responses from organisations.) Table 2.1 below presents an overview of the respondents, broken down by category.

Category of respondent	% (n 1473)
Secondary school (non-denominational)	9% (129)
Secondary school (denominational)	1% (14)
Other faith school	0.7% (11)
Primary school (non-denominational)	24% (358)
Primary school (denominational)	2% (28)
Specialist nursery school	1% (14)
Church of Scotland/Minister/Chaplain	12% (162)
Roman Catholic Church Representatives	0.3% (5)
'Non-religious' organisations (e.g. Humanists)	0.6% (9)
Bahá'í	0.2% (3)
Buddhist	0.2% (3)
Hindu	0.1% (1)
Jewish	0.1% (2)
Muslim	0.3% (5)
Sikh	0.1% (1)
Education and other relevant organisations (e.g. LA, HE, FE, GfE etc)	6% (86)
Other (broadly arbitrary to members of the public)	41% (608)

* Including 109 CARE for Scotland Christian Action Research and Education; 6% of total responses or 10% of all public other responses.

6



Feedback: 'Consultation Reports'

assessment, testing and reporting 3-14

ASSESSMENT, TESTING AND REPORTING 3-14 | 9

3. Measuring Improvement in overall attainment through a Scottish Survey of Achievement, rather than relying on the annual 5-14 survey

Aim

To develop a national monitoring system based on sampling that provides sound and comprehensive information about attainment which local authorities, schools and Ministers can use for purposes of quality assurance, self-evaluation and improvement, without negative impact on practice in schools.

Consultation results

66% of respondents were in favour of introducing the Scottish Survey of Achievement (SSA) to monitor national attainment, replacing the annual 5-14 Survey. There was significant opposition to moving away from the current AAP survey cycle (English, Maths, Science, Social Subjects Entry Skills), although there was evidence that many respondents had little awareness of the current AAP survey. Teachers who responded expressed reservations about the proposed survey more often than senior managers, with concerns that it would be expensive in human and financial resources or that the data collected might be put to inappropriate uses.

Response

We are firmly of the view that we need a more robust and reliable system for assessing levels of attainment at local authority and national levels than the current 5-14 survey. Starting immediately we will take the following actions over the next two years:

- > Discontinue the Executive's collection of school and pupil attainment data in the Annual 5-14 aggregation of results from all schools. The June 2004 survey will be the last
- > Reaffirm that teachers, schools and education authorities have important responsibilities in monitoring levels of attainment

SHARED STANDARDS

DEPENDABLE EVIDENCE



SCOTTISH EXECUTIVE
Development Department

SPP 7: OVERVIEW OF CONSULTATION RESPONSES

Executive Response: Many of the points arose or sought clarification on the role and status of the Groups. To help in this they have been renamed as Flood Liaison and Advice Groups (FLAGs), though their essential purposes remain the same. FLAGs offer the flexibility to address many of the detailed points raised if the councils so choose and it is for them to invite membership, including the insurance industry, though membership is voluntary. Concerning a national forum, The National Technical Advisory Group on Flooding has been established by the Scottish Ministers with a wide remit, which together with other existing arrangements and those being introduced under WEWS are judged to be sufficient.

Building Standards (paragraphs 12-13)

18. Consultees assumed rightly that this section would be rewritten in the context of the new Building (Scotland) Act 2003. The key comment was that there should be no suggestion that building measures are an alternative to avoiding development in high risk areas. More guidance was sought on the role of building standards and the relationship with planning. There were several suggestions that the section may not be necessary (especially paragraph 13), but if retained it should give clarity as to the roles of each system. Several comments raised the problem of level access to buildings in areas where flooding is an issue.

Executive Response: The section has been rewritten in the light of the Act. Comments on flood resistant construction and level access are dealt with below in the section on flood resistant materials and construction.

Insurance Issues and New Development (paragraph 14)

19. The recognition that an input from the insurance industry was important was welcomed, including the difficulties in mortgaging if insurance was problematic. There were suggestions about FAs and insurers sharing information, possibly through FLAGs, though others saw issues of confidentiality and resourcing from the industry's perspective. Advice on insurer's involvement in development planning was sought in the PAN, including the issue of potential blight. It was felt that it would be unwelcome if insurability became a material consideration and the ability of LAs to assess it was doubted. LAs consulting their own insurers was viewed negatively, as these may not be specialist flood insurers, and would be the view of one company only.

Executive Response: The general support for the statement was welcome. Clarification on the position of the industry has been provided by including a cross reference to the Association of British Insurers' Statement of Principles on the Provision of Flood Insurance, and a sentence added about the effects of a development on insurance elsewhere in a catchment. The sentence about Council's consulting their own insurer's has been deleted.

5

Review of SPP7 Planning and Flooding

Overview of Consultation Responses

ABERDEEN BUSINESS SCHOOL
THE ROBERT GORDON UNIVERSITY



Feedback: 'Letters'

retain financial responsibility for the services and facilities provided under the mental health and community care enactments with the aim of ensuring a fair distribution of financial responsibility among authorities. The group will also assist with revised guidance and cross border issues.

I will contact you again for your views on the draft regulations and guidance when these have been drawn up later in the year.

Yours sincerely

Jan Raitt

The consultation letter also invited views on the types of care packages in supported accommodation placements which should be specified in regulations so that a local authority would remain responsible for funding that package even if it was delivered in another area. A wide range of views were offered on the care packages to be specified and the factors to be taken into account including:

- Intensity of care needs – with views ranging from ongoing responsibility in all cases to those who considered only the most intensive and expensive care needs should be covered.
- Transition from child to adult services, where it may be desirable for the same placing authority to retain responsibility.
- Reason for the placement eg unavailability locally or to be near a relative.
- Retain responsibility in all supported accommodation settings where there are on site care workers.
- SMART housing should not be specified.
- All accommodation should be specified including SMART housing.
- Any significant change after the client has moved should not be specified.
- Transfer responsibility for all care packages to the receiving authority after 12 months.

Proposals

Peter's consultation letter of 2 September outlined the Scottish Executive proposals to:

- Amend the 1968 Act to ensure that a responsible authority retains all responsibility for community care services for persons placed by it either in residential care or in specified supported accommodation; and
- Take a power enabling the Scottish Ministers by subordinate legislation to modify the 1968 Act in its application to persons placed into Scottish local authority areas by other UK countries.

These proposals are now included in the Adult Support and Protection Bill, introduced on 30 March 2006. The Bill can be accessed on the Scottish Parliament website at www.scottish.parliament.nk. Sections 64 and 65 of the Bill as introduced relate to ordinary residence issues.

You may also be interested to note that section 63 of the Bill provides for the repeal of the liable relative rule. The intention to repeal this rule was announced in May 2004 following consultation in July 2003 as part of the consultation on residential care charging rules taking account of pension credit.

I now intend to reconvene the group established some time ago to review the ordinary residence circular SWSG 1/96, to assist with the preparation of draft regulations under section 64 of the Bill. The regulations are intended to set out the detailed circumstances in which a local authority should



SCOTTISH EXECUTIVE

Health Department
Directorate of Primary Care and Community Care

Community Care Division
St Andrew's House
Regent Road
Edinburgh EH1 3DG

Directors of Social Work

Copy to: Chief Executives of Local Authorities
Directors of Finance of Local Authorities
Directors of Housing of Local Authorities
Association of Directors of Social Work
COSLA
Other organisations with an interest (see attached list)

Telephone: 0131-244 3506
Fax: 0131-244 3502
jan.raitt@scotland.gsi.gov.uk
<http://www.scotland.gov.uk>

8 May 2006

Dear Colleagues

RESULTS OF THE CONSULTATION ON ORDINARY RESIDENCE PROPOSED CHANGES TO THE SOCIAL WORK (SCOTLAND) ACT 1968

I refer to Peter Stapleton's letter of 2 September 2005 consulting on proposals for clarifying and updating the provisions determining which local authority is responsible for providing a person's community care services. The purpose of this letter is to advise you of the results of the consultation and the proposals for taking forward changes in the legislation and supporting regulations and guidance.

Results of the Consultation

The consultation paper invited views on two options:

Option 1 - It is proposed that the "responsible authority" will be the local authority that initially assesses a person living in its area as needing community care services in a care home or specified supported accommodation and arranges that care, even when the accommodation arranged is in another local authority's area.

Option 2 - An alternative option would be to make the "responsible authority" the local authority that initially assesses a person in its area as needing community care services and arranges and funds that care package, irrespective of the setting, (including care home, supported accommodation and support at home) even when that setting is in another local authority's area.

The key difference between option 1 and 2 is that option 1 covers care services in a care home or specified supported accommodation whereas option 2 covers all community care. 27 responses were received – 1 from an individual, 6 from voluntary organisations, 26 from local authorities and one each from the Association of Directors of Social Work and Supporting People Officers Network. An overwhelming majority supported option 1.



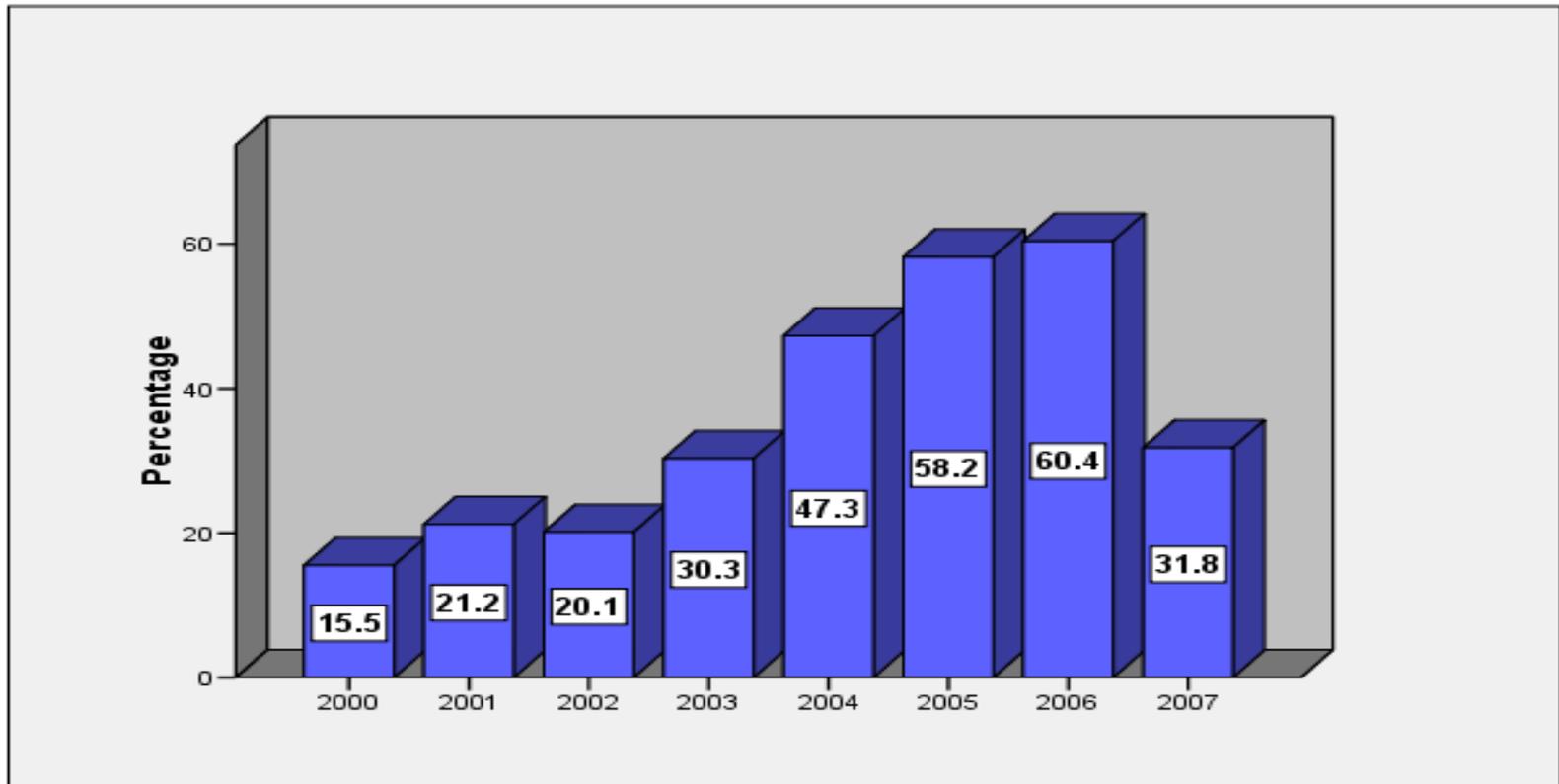
1

05 Approved
Version 1.1

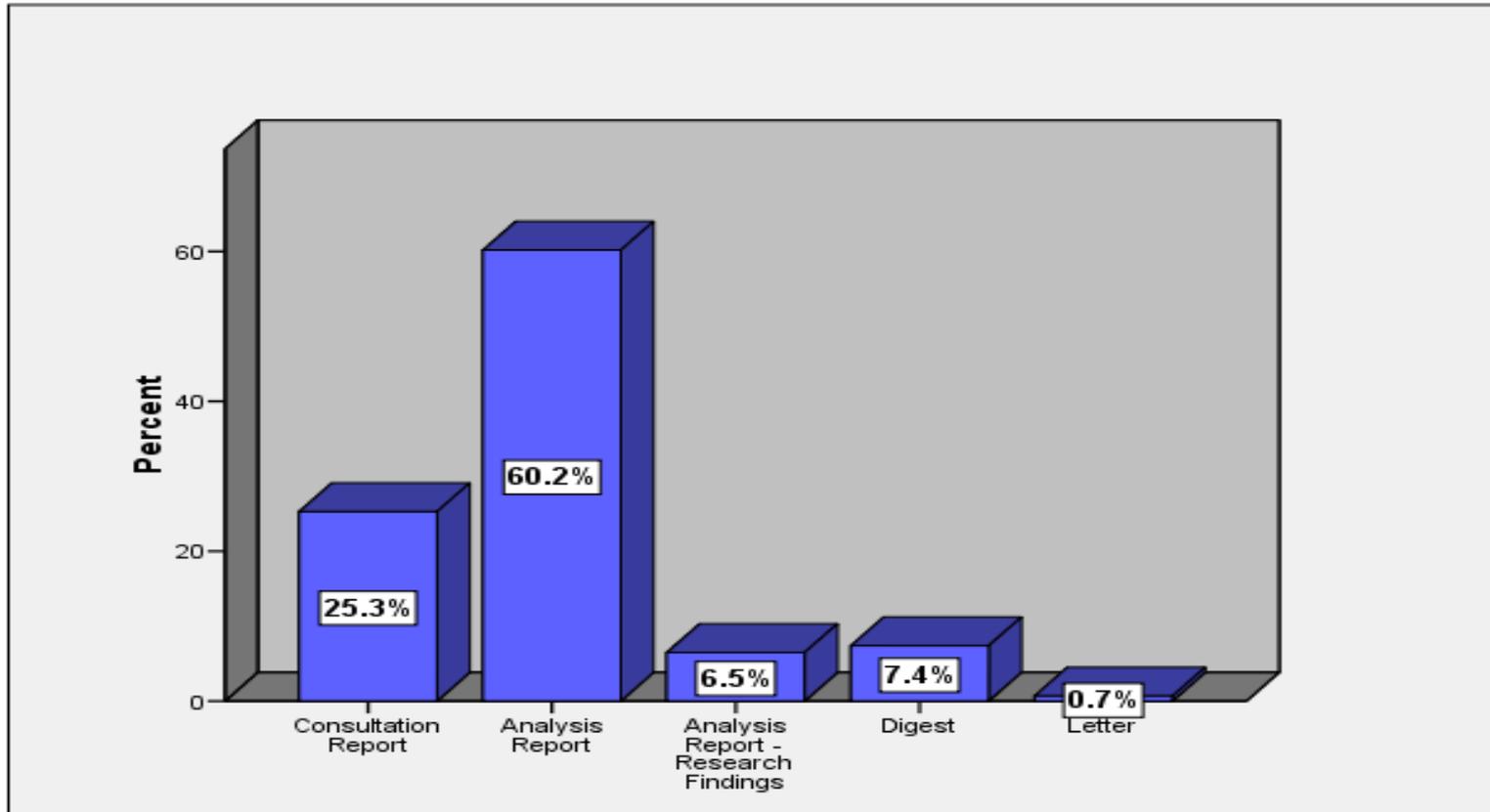
ABERDEEN BUSINESS SCHOOL
THE ROBERT GORDON UNIVERSITY



Proportions of Consultations with Some Form of Feedback on Scottish Government Website



Types of Consultation Feedback (*n*=447 documents, covering 363 consultations)



Feedback: Weighted Towards 'More Influential' Respondents?

guiding principles or objectives set out in Recommendation 1 above.

2.2 There was widespread support for this idea: around 70 respondents, of all types, broadly welcomed the adoption of these principles.

"The five 'guiding principles and objectives' upon which licensing boards should base their decisions demonstrates the intent of the committee to make licensing law an effective tool in combating alcohol misuse."
(Church/religious organisation)

"We welcome the introduction of the Guiding Principles as tools which Licensing Boards can use as an aid to decision making. They set out clearly the factors to be taken into consideration by Boards when granting licences."
(Licensing board)

There were few specific comments about the guiding principles.

2.3 Although the principles were generally approved, there were concerns about how they would be translated into legislation, as they were seen as being open to interpretation in their current form. It was believed that this would lead to the making of arbitrary decisions. This view was held by just 6 respondents, from licensing boards, community groups, and those

Recommendations 25 and 26, is that either Companies House may be seen as a principal regulator:

procedures should be devised, in conjunction with the Department of Trade and Industry and in the spirit of Recommendation 28 to avoid any need for duplicate reporting and accounting. (Scottish Mining Museums Trust)

or that the regulation in the Companies Act may be considered sufficient to exempt charities from further requirements.

We are pleased to note ... that it is the Commission's view that charities should not have to report formally to more than one external body. In the case of charities incorporated as companies we would suggest that it might be appropriate for their Annual Return etc to be copied to CharityScotland. (St Columba's Hospice)

2.9 The second, given in response to Recommendation 11, is that charities which have previously been registered as companies should take the form of a Charitable Incorporated Organisation (CIO), removing them from the remit of Companies House and placing them instead under the regulation of CharityScotland.

- **Just 33% of feedback includes attributable quotes or opinions.**
- **Two cases where responses of 'Key Stakeholders' were highlighted.**
- **Further content analysis and research required.**

Directgov Website Links

The screenshot shows a Microsoft Internet Explorer browser window displaying the Directgov website. The address bar shows the URL: http://www.direct.gov.uk/en/Governmentcitizensandrights/UKgovernment/PublicConsultations/DG_170463. The page title is "List of government consultation websites : Directgov - Government, citizens and rights - Microsoft Internet Explorer".

The website header features the Directgov logo and the tagline "Public services all in one place". A search bar is present with the text "Search this site" and a "Go" button. Navigation links include "Home", "Contacts", "Do it online", and "Newsroom". The date "Friday, 12 June 2009" is displayed in the top right corner.

The main content area is titled "Public consultations" and "List of government consultation websites". It includes a sub-header "Take part in a wide range of consultations and have your say on the policy making process." and a list of links to various government departments for consultations, such as "Cabinet Office consultations", "Charity Commission consultations", "Department for Business, Enterprise and Regulatory Reform consultations", etc.

On the left side, there is a "Browse by subject" menu with categories like "Crime, justice and the law", "Education and learning", "Employment", "Environment and greener living", "Government, citizens and rights", "Health and well-being", "Home and community", "Money, tax and benefits", "Motoring", "Pensions and retirement planning", and "Travel and transport". Below this is a "Browse by people" menu with "Young people".

On the right side, there are sections for "Guide to government" (with a sub-link "UK government"), "Help with consultations" (with sub-links "What are consultations?" and "Tips on taking part in consultations"), and "Do it online" (with sub-links "File your tax online" and "Find schools").

The taskbar at the bottom shows several open applications: Start, Inbox - Microsoft O..., Novell-delivered App..., Microsoft PowerPoint..., Best Laid Schemes - ..., Microsoft Excel, and List of governmen... The system clock shows 16:14.

UK Central Government Consultation Information

- **No central register or depository, although a centralised website is currently being considered;**
- **No email alerting service, but also currently being considered (see also *Info4local*);**
- **Structure, content and time period covered varies widely between departments and agencies;**
- **Extent and quality of feedback also varies widely;**
- **In those departments and agencies where feedback is more forthcoming, a significant proportion of the feedback does contain *decisions*;**
- **The responses themselves are rarely made available online.**

Conclusions



- **Increasingly, government is giving thought to improving its consultation *'schemes'*;**
- **Things *'gang'* a wee bit *'agley'* in terms of accessing consultation information, particularly after consultations have closed;**
- **A lack of feedback, particularly government decisions, is likely to cause some *'grief an' pain'* amongst consultation respondents.**