

London Borough Of Havering

Consultation Policy

August 2024

Equality & Health Impact Assessment record

1	Title of activity	Consultation Policy		
2	Type of activity	Policy which sets out the principles on which the Council will consult with stakeholders, such as local people and groups, about its policies and services.		
3	Scope of activity	The purpose of this policy is to provide guiding principles and quality standards for consultation activities thereby promoting best practice to those officers engaged in consultation, and ensuring that there is a consistent approach to these activities across the Council.		
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes / No		
4b	Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?	Yes / No	If the answer to <u>any</u> of these questions is 'YES', please continue to question 5.	If the answer to <u>all</u> of the questions (4a, 4b & 4c) is 'NO', please go to question 6.
4c	Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?	Yes / No		
5	If you answered YES:	Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance.		
6	If you answered NO: (Please provide a clear and robust explanation on why your activity does not require an EqHIA. This is essential in case the activity is challenged under the Equality Act 2010.) Please keep this checklist for your audit trail.			

Date	Completed by	Review date

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Introduction

Havering Council (LBH) is committed to ensuring our decisions are made by taking into account the views, opinions and experiences of the people whom they affect.

This could include, but is not limited to, residents, businesses, communities, the voluntary sector, our staff, partner organisations and service users – these are all people who may be impacted by changes to our policies and priorities and how we provide our services. For the purpose of this policy, we may refer to these groups collectively as our stakeholders. Further examples of stakeholders are included throughout this policy.

We want to ensure that we meet our ‘duty to consult’, but most importantly, we want to work with our stakeholders to ensure that we identify the things that are important to them, whilst making sure the Council is well run and delivers [Havering's Vision for People, Place and Resources](#)¹.

Underpinning this policy are four key priorities:

- Delivering services shaped to stakeholders’ needs.
- Making better use of limited resources.
- Having policies and strategies that reflect local priorities, needs and aspirations.
- Increasing our transparency in the work that we do.

Purpose

This policy aims to support a process of informed and transparent decision-making and planning by improving the quality and effectiveness of public consultation undertaken by or on behalf of the Council. Through consultation we are seeking to:

- Strengthen our community leadership role.
- Stay in touch with, and meet the needs of our stakeholders.
- Inform policy development, service planning and decision-making.
- Raise awareness and understanding of our services and how they are provided thereby increasing stakeholder capacity to influence change.
- Co-produce the improvement and development of our services by involving stakeholders in design.
- Maintain an open dialogue with stakeholders, whilst giving due consideration to the risk of consultation fatigue.

Policy summary

This policy sets out the guiding principles and quality standards for consultation activities, and in doing so, promotes best practice to those officers engaged in consultation and ensures that there is a consistent approach across the Council.

¹ https://issuu.com/haveringcouncil/docs/6609_vision_for_havering_v9

Scope

This policy provides the guiding principles of how we will consult. It is not meant to be an exhaustive document encompassing everything we do, rather it will concentrate on:

- Why we consult
- When we consult
- Who we consult
- How we consult
- How we feed back

This policy will help co-ordinate the extensive consultation already taking place within the Council and it will promote best practice to those engaged in these activities.

Aims, objectives and outcomes

The overall aim of this policy is to improve the services and operation of the Council by understanding the needs of residents, businesses, communities, service users and others – our stakeholders – and including them in our decisions.

Within this overall aim, our key objectives are:

- To maximise stakeholder engagement by making consultation activities as inclusive as possible.
- To develop the Council's services to meet the range of needs of our residents, businesses, communities and service users.
- To co-ordinate consultation, develop best practice and centralise data and information.
- Through better co-ordination, reduce repetition, duplication and consultation fatigue.
- To develop the Council's ability to make effective use of consultation techniques.
- To maximise equality of consultation.
- To maximise opportunities for consultation.
- To better engage with groups we seldom hear from or those we may find hard to reach.
- To comply with the Equality Act 2010, the Data Protection Act 1998 and other relevant legislation.

Expected outcomes are:

- Inclusivity is demonstrated leading to increased stakeholder involvement.
- Equal access to services is promoted.
- Improved co-ordination and quality of consultations.
- Improved evidence-based information for decision-making.
- Stakeholder trust in the Council is increased.
- More appropriate and effective services have been provided.
- The risk of Judicial Review is reduced or mitigated.

Applicability

This policy does not replace any procedures that are currently in place for statutory consultations such as planning applications, housing or in relation to social care.

This policy applies to anyone who is undertaking consultation activity on behalf of the Council, and will include:

- All permanent and temporary Council employees, volunteers, people on work placements and elected members when acting as officers of the Council.
- All third parties and contractors performing a Council function or service.

Policy

The terms consultation and engagement can sometimes be mistaken for the same thing, and used inter-changeably which can lead to confusion.

Consultation has a defined start and end date. It provides specific opportunities for people to share their opinions. The guiding principle for consultation is whether the process and those involved can influence the issue to be considered, policy to be developed or decision to be made.

Engagement describes the on-going process of developing relationships and partnerships so that the voice of local people and partners can be heard. Engagement work carried out by the Council is covered in our [Statement of Community Involvement](#)² and our [Resident Engagement and Participation Strategy](#)³ all of which focus on moving our engagement with communities a step further by placing power in the hands of communities themselves. This supports local people to make decisions about their local area and to be actively involved in delivering solutions to local issues.

For the purpose of this policy, we have defined consultation as ***“the way we capture and consider the views of local people: Havering’s residents, businesses, communities, service users and all others who are affected by Council decisions, such as our staff”***.

² https://www.havering.gov.uk/download/downloads/id/5301/statement_of_community_involvement_2021.pdf

³ <https://www.havering.gov.uk/hreps>

Why we consult

There are three good reasons why consulting is important to us:

- The Council is committed to capturing, listening to, and acting upon the views of our stakeholders. We seek out opinions on our services, policies, legislation and our service user's needs.
- We are committed to being open and transparent, involving service users and service deliverers in shaping our services and being responsive to their needs, to encouraging greater community ownership of local services, whilst developing trust. We are also committed to finding ways to consult with non-users to establish why people do not use our services and eliminate any barriers to access.
- It is required by Central Government and many funding organisations. Councils have a **duty to consult** at certain times, e.g. policy changes, planning decisions and budget setting, further guidance can be found in the [Revised Best Value Statutory Guidance \(2015\)](#)⁴. The [Local Government and Public Involvement in Health Act 2007](#)⁵ imposes a '**duty to involve**' upon Local Authorities. The [Race Relations \(Amendment\) Act 2000](#)⁶ and the [Equality Framework for Local Government \(2010\)](#)⁷ also call for **reasonable and proportionate consultation** to ensure that discriminating barriers that prevent equal access to services are identified and removed. Since the passing of the [Children Act 2004](#)⁸, there has been a growing emphasis on services actively involving children, young people and parents/carers in the commissioning, development and evaluation of services.

Sometimes, the decisions that need to be made may not be popular with our residents, such as when we have no choice but to change or reduce a service because of financial restraints, however, under these circumstances it is even more important that we follow a robust process which involves genuine dialogue, respect, integrity, transparency and accountability. Effective consultation such as this provides us the ability to evidence how views were sought and considered, and how these views influenced any decisions that were made.

Public bodies who do not follow a robust consultation process and who do not practice 'good administration' when performing their public duties are at risk of having a decision challenged in the form of a '[judicial review](#)'⁹.

This is a legal procedure where the Courts 'review' the decision being challenged and decide if it is arguable that the decision is legally flawed.

Only a person with 'sufficient interest' or 'standing' is entitled to apply for a judicial review and can't be applied for by a person whom it does not directly affect, or just because the person does not agree with the decision. Those with sufficient interest can include legal persons, such as groups or organisations protecting or campaigning for a particular public interest, like a trade union.

Judicial review can only be used as a last resort – after all other applicable legal procedures have been pursued (for example, any rights of appeal to a special tribunal and mediation).

⁴ <https://www.gov.uk/government/publications/revISED-best-value-statutory-guidance>

⁵ <https://www.legislation.gov.uk/ukpga/2007/28/contents>

⁶ <https://www.legislation.gov.uk/ukpga/2000/34/contents>

⁷ <https://www.local.gov.uk/our-support/guidance-and-resources/equality-frameworks/equality-framework-local-government>

⁸ <https://www.legislation.gov.uk/ukpga/2004/31/contents>

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746170/JOYS-OCT-2018.pdf

When we consult

The Council maintains a Consultation Forward Plan for internal use. This document is kept up to date so we can plan consultation activities to ensure we give adequate time for consultee's consideration and response.

When planning, we will consider when it is appropriate to consult with different audiences and will use a range of techniques, including large-scale representative surveys and small-scale discussion groups. Some of the reasons for when it is appropriate to consult, include:

- To improve planning, policy and decision making (including making major decisions, developing specific new policies, or improving and amending existing policies).
- To make better use of resources.
- To access new information, ideas and suggestions.
- To encourage greater participation in the activities of the Council.
- To measure residents' satisfaction with the Council.
- To shape Council activities around residents' needs and aspirations.

[The Consultation Institute](#)¹⁰ (a well-established, not-for-profit best practice institute) identifies two areas of focus which should be used to decide when consultation should occur:

- When statutory legislation imposes an express duty to consult (e.g. planning decisions).
- Where consultees have a 'legitimate expectation'.

[The Doctrine of Legitimate Expectation](#)¹¹ is now seen as common law, whereby Courts recognise consultees' rights to a 'fair process'. This applies:

- When there has been a promise of consultation.
- Where official guidance or policies imply a promise to act in a particular way.
- Where there is a withdrawal of a 'benefit' with significant impacts to be considered.
- Where the nature of the relationship would create unfairness if there were to be inadequate consultation.

Consultation periods should avoid national holiday periods, religious observation periods when seeking views from particular faith groups and local or national pre-election periods (purdah).

¹⁰ <https://www.consultationinstitute.org>

¹¹ <https://www.iclr.co.uk/knowledge/glossary/legitimate-expectation/>

Who we consult

People in Havering have a diverse wealth of knowledge and ideas that can be used to improve services. We believe it is important to include everyone in consultation activities and that we consider how Havering's demography is changing.

Our [Census 2021 Briefings](#)¹² based on data from The Office of National Statistics (ONS) Census 2021 found that since the last census in 2011, the number of people in Havering aged under 18 has increased by 15.2%, with most of the growth in this cohort seen in those aged 0-4 years. We still have one of the highest proportions of older people aged 65+ in London (17.6% - second after Bromley). Additionally, an estimated 38,449 residents reported having a disability in 2021 and almost 10% of residents aged 3 and over said that English was not their main language.

As Havering changes, it's more important than ever that we know the views of our stakeholders, improve the inclusiveness of our services to ensure that they are fit for purpose, and receive information that will support the work that we do.

Who we consult with depends on the nature of the consultation. Sometimes it is relevant to consult with all residents, businesses, communities, service users and others who are affected by Council decisions, whereas at other times it is appropriate to just involve a smaller cohort of stakeholders who may be particularly affected by our proposals.

When shaping policy and delivering services, it is vital that we pay due regard to the impact or potential impact on individuals' protected characteristics (as defined in the [Equalities Act 2010](#)¹³) and that we design inclusive and accessible consultation activities.

The [Public Sector Equality Duty](#)¹⁴ places a legal obligation on Councils to have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity, and to encourage good relations between different people and different protected characteristics. This includes the duty to consult with individuals. Consultation is an important way of identifying the impacts of proposals on individuals.

The [UN Convention on the Rights of the Child](#)¹⁵ upholds the rights of children and young people to express their views, feelings and wishes, and that they should be respected and listened to without discrimination or barriers in place, such as language, cultural differences and disability. The Council recognises the importance of this and have made a commitment in their [Corporate Plan](#)¹⁶ to '*use the voice of children and young people to inform design and reviews of service provision*'. Equal opportunity of consultation will help us understand users' perceptions of the services they receive and their views on how things can be improved. Enforced by the [Children Act 2004](#),¹⁷ particular attention will be given to how services are implementing the five Every Child Matters outcomes:

- Being healthy
- Staying safe
- Enjoying and achieving
- Making a positive contribution
- Achieving economic well being

¹² <https://www.haveringdata.net/population-intelligence-briefings/>

¹³ <https://www.legislation.gov.uk/ukpga/2010/15/contents>

¹⁴ <https://www.gov.uk/guidance/equality-act-2010-guidance#public-sector-equality-duty>

¹⁵ https://www.unicef.org.uk/wp-content/uploads/2019/10/UNCRC_summary-1_1.pdf

¹⁶ https://issuu.com/haveringcouncil/docs/6609_vision_for_havering_v9

¹⁷ <https://www.legislation.gov.uk/ukpga/2004/31/contents>

Above all, we want to ensure that we consider the needs of the community when delivering services and tackling any potential unfair impacts of decisions and policies. We will conduct Equality and Health Impact Assessments (EqHIA) on all policies and functions to assess their potential level of impact. As part of this process, we may need to conduct consultations with specific groups within the community to check that a policy will not cause a negative or disproportionate effect on any particular protected characteristic. Where the potential for negative impact is identified, mitigating actions will be considered.

Depending on the nature of the consultation, we may consult with a range of stakeholders including, but not limited to:

- Members of the public and wider community.
- Children and young people.
- Residents.
- Businesses.
- Voluntary and community sector.
- Statutory partners.
- Service users.
- Other service providers.
- Politicians / Elected Members / Local Representatives.
- Staff.

How we consult

We will ensure that we consider how we reach our stakeholders and how we listen to their opinions. Where appropriate, we might need to offer alternative methods to meet stakeholders' needs and to capture their views.

Depending on the type of consultation activity or to reach a wide range of stakeholders, we may need to use more creative ways of reaching stakeholders. There are many ways to do this and we have set out some examples in our Consultation Principles (below). Other examples are surveys distributed as paper copies, offered in an alternative language or specifically designed to ensure they are accessible to children and young people or children and adults with learning difficulties.

It is also important to us that we give consultees enough time to consider our proposals and to respond to them. Sometimes there are specific time periods for consultation, such as planning consultations, however, when there are no specific requirements, we will ensure that timeframes are proportionate and realistic. As an example, our annual budget consultation is available for consultees to have their say for approximately three months.

There are no clear rules surrounding how Local Authorities should consult, but it is possible to extract key factors from case law that should steer a public authority, and in turn the courts, in determining whether consultation has been undertaken correctly. Consultation should be carried out fairly and in accordance with the Gunning Principles (as derived from the court case R v Brent London Borough Council, ex parte Gunning (1985) 84 LGR 168 at 169).

Our consultations are carried out with this in mind, and we have adopted the [Gunning Principles](#)¹⁸ along with the Government's [Consultation Principles: Guidance \(2018\)](#)¹⁹ to form our own set of principles, the adoption of which, will not impact the Council's statutory responsibilities:

¹⁸ <https://www.local.gov.uk/sites/default/files/documents/The%20Gunning%20Principles.pdf>

¹⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

London Borough of Havering Consultation Principles

We are committed to ensuring our decisions are made by taking into account the views, opinions and experiences of the people that they affect.

This could include, but is not limited to, residents, businesses, communities, the voluntary sector, our staff, our partners and service users - people who may be impacted by changes to how services are provided, our policies and our priorities. For the purpose of these principles, we may refer to these groups collectively as our stakeholders.

The adoption of our Consultation Principles will not impact the Council's statutory responsibilities.

1. We will keep an open mind during the consultation

We will seek our stakeholders' views when our proposals are still at a formative stage and before we have made any decisions.

2. We will ensure consultees have the right information

We will give our stakeholders clear, concise and correct information with clear objectives to fully consider our proposals and to make an intelligent choice and contribution to the consultation process.

3. We will ensure we give adequate time for consideration and response

We will strive to engage with our stakeholders as early as possible. In some circumstances there are statutory time periods for consultation which must be adhered to. Where there are no specific requirements, timeframes for consultation will be proportionate and realistic to allow consultees sufficient time to consider the issues and provide a considered response. We will also allow enough time for our analysis and consideration of outcomes.

4. We will ensure we make information useful and accessible

We need to be able to demonstrate our commitment to inclusivity, that we have considered who needs to be consulted with and actively planned to reach and listen to the full range of stakeholders potentially affected.

We will use clear and simple language and ensure our consultations are accessible and jargon-free to allow our stakeholders to fully understand our proposals. We will use a number of different methods to consult with people depending on the purpose, needs, audience, cost and timeframe.

The primary method of undertaking consultation activity will be online, as supported by our [Corporate Plan](#).²⁰ By using online tools we aim to make activities accessible and engaging for our stakeholders, and more effective and efficient for the Council. As well as improving accessibility, this method aids accuracy of information, reduces our environmental impact and increases our ability to reach more people. Our consultation software is easy to use and supports assistive technology. By centralising consultation activities it helps us to monitor and evaluate the effectiveness of our consultations so we can continue to improve. Where appropriate, we will offer an alternative method to meet our stakeholders' needs.

Dependent on the type of consultation or in order to reach a wide and inclusive range of stakeholders, we may consider the use of other forms of engagement, this may include, but is not limited to, specially designed accessible forms, telephone, door knocking, on-the street, focus groups, forums, workshops, Citizen Panels, open days, drop-in events, exhibitions, roadshows and public meetings. For example, if we require the views and opinions of the children and young people in the borough, we may look to use schools as a way to consult.

5. We will demonstrate how consultation responses are taken into account when making a decision

We will consider consultation responses to our proposals when making decisions and act transparently. We will facilitate scrutiny by publishing our outcomes, including anonymised information about responses, such as how many responses we received and how these have been used in formulating policy or decisions. Our response will be published in a timely manner via communication channels such as our [Consultation Hub](#)²¹, our [newsletters](#)²² and our [Website](#)²³.

²⁰ https://issuu.com/haveringcouncil/docs/6609_vision_for_havering_v9

²¹ <https://consultation.havering.gov.uk/>

²² <https://www.havering.gov.uk/newsletters>

²³ <https://democracy.havering.gov.uk>

How we feed back

It is important that our stakeholders understand our decisions and policies and how consultation responses influenced outcomes from consultation activities. In order to develop a culture of consultation, consultees should feel part of an exercise in which they have a continuing interest.

Providing feedback to consultees on the overall results of a consultation is recognised as good practice and demonstrates their role in shaping Council policy and services. It is therefore important that feedback is timetabled as a routine part of all consultation plans. Key findings from larger consultations (for example, Havering's Budget Consultation) will be published and distributed in a timely manner, typically within three months of the close of the consultation.

As a minimum, all online consultations will be recorded and shared through our [Consultation Hub²⁴](#). The platform provides a means of co-ordinating activities, which avoids 'consultation overload' and stores consultation information, providing the opportunity to centralise and cross-reference data gathered by the Council. Following the closure of a consultation we will update our stakeholders using the '[We asked, You said, We did²⁵](#)' feedback facility within this platform.

²⁴ <https://consultation.havering.gov.uk/>

²⁵ https://consultation.havering.gov.uk/we_asked_you_said/

Roles and responsibilities

The role of officers within the Council

Officers within the Council are responsible for ensuring that the consultation processes and principles outlined in this policy are applied.

The Role of Council Officers

Executive Leadership Group

- Lead the development of strategies and plans, balance different needs, identify priorities and target resources.
- Ensure that relevant stakeholders are consulted on key service and policy-making decisions and this is fed into service planning and decision-making.
- Ensure that staff understand and apply the consultation principles outlined in this policy and that appropriate quality checks have taken place during the design stage.
- Authorise consultation activities, although this will be dependent upon the level of impact of the project proposals.

Officers

- Adhere to the consultation principles and pay due regard to the guidelines.
- Seek authorisation from the appropriate manager.
- Inform relevant stakeholders who are consulted during consultation development.
- Ensure strategic overview, co-ordination and analysis of consultation activity.
- Report on and disseminate the findings, as appropriate.
- Officers within the Council's Engagement team will provide an oversight and advisory role in research and consultation, including advice to be considered when planning consultation. They will maintain a Consultation Forward Plan for internal use, undertake quality checks of consultation activities, sign-post to consultation contacts and groups and provide training and support.

The role of Councillors

The primary role of a Councillor is to represent their ward and the people who live in it. They are positioned at the frontline of engagement and act as a bridge between the community and the Council.

Havering Councillors will:

- Provide democratic accountability for public services and ensure that services are delivering quality and value for money.
- Act as community leaders in facilitating resident, community and business participation in all aspects of decision making and the shaping of services.

Councillors will encourage residents to participate in consultations and use this feedback to understand the views of those they represent and serve. As decision makers, they use consultation to inform the choices they make.

Councillors will have different actions depending on their role:

The Role of Councillors

Local Representative

- Represents the views of their local area, and therefore may take an overview role.
- Monitors the effectiveness and appropriateness of consultation activities.
- Ensures that correct and relevant information is received.
- Uses research and consultation results to monitor the performance of the Council or services over time.

Elected Member

- Elected Members represent their local areas, and therefore are consultees themselves.
- Individual Ward Members should be consulted on proposals which will affect the area they represent and take into account the findings of a consultation when making a decision.
- Members are often a key group (i.e. a stakeholder), and their views should be sought in the same way as other stakeholders.

Portfolio Member

Have an interest in consultations affecting their remit and may be involved in:

- Design and scoping of consultation.
- Promoting awareness of consultation activities.
- Keeping informed of consultation progress.
- Distributing and communicating findings of consultations, including how it was used to inform any subsequent decisions and policies.

If you think the Council have not followed their own principles

The Council and its officers will endeavour at all times to follow the principles outlined within this policy whenever public consultations are undertaken.

If it is believed that the Council have not followed our own principles, residents should contact the key contact for the consultation, as identified on the Consultation Hub, or the consultation organiser, and state which principle they believe has not been followed. Alternatively, complaints can be raised through our [Corporate Complaint Procedure](#).²⁶

²⁶ https://www.havering.gov.uk/info/20047/consultations_complaints_and_compliments

Data Collection

Havering Council collects, uses and is responsible for certain personal information about you. What we hold is protected under the [General Data Protection Regulation \(GDPR\)](#)²⁷ and we are responsible as 'controller' of that personal information.

Our consultation activities will collect stakeholder feedback, however, we may also collect the following information dependent on the activity:

- Location data such as postcode or address.
- Contact details such as email address or telephone number.
- Protected Characteristics data for equality monitoring, such as age, disability, sex/gender, ethnicity/race, religion/faith, sexual orientation, gender reassignment, marriage/civil partnership, pregnancy, maternity and paternity, socio-economic status, health and wellbeing,

We may use this information to inform the consultee of the outcome of the consultation, but only if they have requested updates. We may also use postcodes to allocate individuals and households into groups (called demographic segmentation) to inform our policies and decisions and also to ensure we have targeted a broad range of stakeholders. This information will not be solely used to make any decisions and will not be shared.

Consultees are not required to submit any equalities information, but any information received helps us ensure that we are consulting with a broad representation of our community and that there are no marginalised groups who have been excluded by the nature of the consultation. It helps us to see if there are any differences in the views of diverse groups of people, and to check if services are being delivered in a fair and reasonable way.

More information about Data Protection and how the Council ensures we protect the security and rights of individuals, can be found on our [Data Protection webpage](#)²⁸.

Related documents

[Havering Corporate Plan 2024-2027](#)²⁹

[Havering Resident Engagement and Participation Strategy](#)³⁰

[Statement of Community Involvement](#)³¹

Implementation

All officers conducting consultation must complete mandatory Data Protection and GDPR Compliance training through the Council's e-learning portal.

²⁷ <https://www.gov.uk/data-protection>

²⁸ https://www.havering.gov.uk/info/20044/council_data_and_spending/139/data_protection

²⁹ https://issuu.com/haveringcouncil/docs/6609_vision_for_havering_v9

³⁰ <https://www.havering.gov.uk/hreps>

³¹ https://www.havering.gov.uk/download/downloads/id/5301/statement_of_community_involvement_2021.pdf

Appendix 1: Equality Analysis

Equality and Health Impact Assessment attached and carried out as part of the development of this policy.