

December 2023

A monthly summary of consultation matters by Consultation Guru – Rhion Jones.

Consultation Catch-up



In November, I helped Florence Obinna and her team at the **London Borough of Hackney** launch their [Community of Practice for public engagement](#) and consultation. Brilliant initiative and an important way to spread know-how and skills among departments with less relevant experience. I offered a 20-year perspective, focusing on those key messages that remain the same and the many changes that confront us – talking about developments in the law, social media and the current agenda of ‘wicked issues’. Alongside me was Caroline Kennedy of the **London Borough of Camden** with some excellent examples of current participative practices and citizens’ assemblies (eg [the night-time economy](#)).

Best of the Blogs

[Glasgow’s Low Emission Zone \(LEZ\) survives legal challenge: Consultation held to be lawful](#)



Paton v Glasgow City Council at the Scottish Court of Session

Lots to absorb in this judicial review from Scotland. For Ministers, Council leaders, transport planners, net zero/sustainability campaigners and others, the issues considered by the Court of Session illustrate several problems. Someone has to arbitrate between the rights of the democratic majority which wants clean air and the individuals and businesses which lose out in the process.

[Government by Announcement: Suddenly, an extra item of legislation!](#)



Political commentators, academics, constitutionalists and even some Parliamentarians constantly complain about 'Government by Announcement'. A press release that leads to the optimum headline scores a WIN! Having noted, however, that one set of recent Government proposals is spawning a rash of consultations, I started thinking about others where the initial announcement may be okay - PROVIDED it leads to a proper stakeholder dialogue.

[How the King’s Speech might have been ... if consultation mattered more!](#)



It seems the King has an excellent sense of humour. So, what might he make of this? My gentle embellishments to his speech from the Throne are only there to elaborate upon the consultation status of some of the Government’s legislative proposals. On the 400th anniversary of Shakespeare’s First Folio, shall we rely on the famous line in King Lear ? “Many a true word hath been spoken in jest.”

Instant insights

- I am surprised there has not been more of a fuss about the [Smoking consultation](#). It closes on **Wednesday – December 6th**, no doubt because the Government feels this is one legislative accomplishment they can enact before a General Election. In many ways, it is an exemplary consultation, prepared no doubt by DHSC officials, well aware of the long history of legal challenges by a Tobacco industry adept at blowing smoke into the eyes of reforming politicians. In 2016, it culminated in a [gigantic 400-page judgment by Mr Justice Green](#) (and criticised by the upper Courts for being too long) and notable for closing off virtually any argument that the consultation was unlawful. So, this year's exercise is focused on three areas – stopping the sale to young people (4 questions), curbing the use of vapes (20 questions) and on enforcement (3 questions) and is fully referenced with solid research. A minor quibble – the Department wants to wait till after the consultation to produce its impact assessment; not ideal. But – in anticipation of a legal challenge, it wisely states that Ministers' decisions will be based on three factors – the consultation responses, the evidence provided and further reviews of international practice. All helpful, but let's hope that, by holding a short consultation, it has not provided the Tobacco industry with a Gunning 3 (Time) case against the consultation.
- Last week, I wrote an article for [Tractivity](#) – part of a sequence when I'm looking at the case for major organisations to invest in serious stakeholder management software. It's called [Proactive change management by anticipating future developments](#), where I explore why private firms and public bodies alike need to monitor emerging trends and political developments in order to prepare for change. Some of this is done in-house, but for larger organisations, is often outsourced to specialist third parties such as lobbying firms. I list six implications for stakeholder management. They may be of interest to those who consult them as part of their routine practice.
- When Governments have large and reliable Parliamentary majorities, and plenty of time to force controversial Bills through Parliament, they often find it possible to ignore the results of consultation. Right now, the Sunak administration is weak and here is a recent illustration. Within hours of becoming DEFRA Sec of State, Steve Barclay overturned Therese Coffey's decision to ignore overwhelming support for [mandatory reporting of food waste](#) in its 2022 consultation. Now this was one where well-organised campaigners had a major impact, but Coffey rejected the proposals even though it had the support of the Committee on Climate Change. She argued that costs to the industry were too high, but pressure group, [Feedback](#) sought a Judicial review arguing that the impact assessment was wrong, and that the consultation was unlawful. Barclay's U-turn may mean we shall never find out if it was
- Another recent consultation that may be of more general public interest the Sentencing Council's exercise on its new [Guidelines on when custodial sentences should be imposed](#). Seen by some as just an attempt to solve the prison over-crowding issue, this consultation may matter. Watch this space!

Straws in the wind

The Reading List



Unusually, I'm featuring [a research report](#) – but only because I believe it to be important. Carnegie UK has worked with Ipsos-MORI to develop a composite wellbeing index – something better than GDP as a measure of a nation's progress. Instead of just counting our money, it seeks to assess 'social', 'economic', 'environmental' and 'democratic' themes, and in so doing provides statistically credible support for many widely held views about the challenges we face. For example, it finds older people (55+ years) scoring more positively across each theme than younger age groups (16 to 54 years). Of interest to Catch-up readers is the widespread lack of trust across all age groups in the UK's political systems and institutions. That's a theme we will need to explore further in the coming weeks.

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