

August 2024

The monthly summary of  
consultation matters by  
Consultation Guru –

Rhion Jones

# Consultation Catch-up



I'm totally devastated by the news that the Consultation Institute has ceased trading after 21 years of championing public and stakeholder consultation in the UK. It is truly a tragedy, and I feel for staff, associates and supporters who have worked tirelessly to develop and promote *best practice* over the years. I am deeply grateful to everyone who has joined us on this journey and believe that it has created a sufficiently solid foundation for observing the highest standards, continuous knowledge-sharing and advocacy for this form of public engagement.

## Best of the Blogs

### [A degree of deja-vu: Angela Rayner's planning reforms may worry many consultees](#) (Blog 76)



To achieve a different outcome, you need to try something REALLY different. Yet Angela Rayner's NPPF consultation announcement sounded very much like her Conservative predecessors. What she HAS announced means that public consultation is front-loading the process. When it comes to saying yes to controversial schemes – I'm still not sure. This suggests there is some way to go before local communities will feel happy that their voices will be heard.

### [Is there now a case for faster public consultations?](#) (Blog 75)



Forget the Olympics, the biggest race right now is Keir Starmer's bid to make haste with his political programme. The KING's SPEECH shows a Government in a hurry on a wide range of issues. Housing and Planning are up there among the fast starts, and in this Blog, I venture to suggest that we might need to accelerate consultative processes. Better than abandoning or restricting the all-important right to be consulted!

### [When new Ministers know exactly what they want. Is there still a case for consultation?](#) (Blog 74)



It was good to see a new Government hit the ground running on so many issues. Also good to see a strong sense of purpose and a clear view of what has to be done. Naturally, they won't want to slow down and undertake a consultation. And yet ... it is sometimes the right thing to do. This Blog considers why they will hesitate, and the very good reasons why they should ...

On Page 2, this month ...

The re-branding of cherished names without consultation, a Scottish consultation on prisoners release, unusual water consultations and the Book Review is Ben Ansell's 'Why Politics fails'

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## Instant insights

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- One of the first emergencies requiring action by the new Government was the situations in our prisons, having to release some prisoners in order to preserve system capacity. No time for consultation ... obviously. Which is why it is interesting to see that on the same day – July 8<sup>th</sup>, the **Scottish Government** launched a consultation on its [Long-term prisoner release process](#). It is important to see matters of great public concern being subject to formal dialogue, but I'd prefer to see Ministers offer a wider range of options. The SNP Government's exercise is basically a single option with very nominal questions. Makes it look as if it is just looking for a rubber stamp. So what's best? A mediocre consultation? Or none at all?
- Readers of the 'Catch-up' may have been intrigued – as I was – to read that OfWAT's decision to impose huge **finances on Thames, Yorkshire and Northumbrian Water** was 'subject to consultation.' New to me, but it seems that this is in effect a mechanism to enable the Water Companies to appeal against the Regulator's decision. It's interesting to read the Reports (Northumbria's [here!](#)). They include 100+ pages of investigation and a detailed assessment, and then says "*Interested parties are invited to comment on our proposed decision and proposed enforcement order and we will take representations received into account before making a final decision on whether to issue an enforcement order and the terms of that enforcement.*" Note – there are no options, though it's presumably open for *consultees* to disagree with the assessment or recommend different penalties. Almost certainly Gunning-compliant, but not exactly a consultation as we know it.
- **What's in a name?** Answer- quite a lot. A sense of identity? a statement of values? a brand-name? The Rugby Football Union wants its 80,000 seater [Twickenham stadium](#) to be known as the Allianz Stadium. Fans are unhappy – and in football, they are close to achieving a statutory right to be consulted on such matters. Back in 2018, I remember the Welsh Government suffering a similar public backlash when it named the larger, more recent Severn bridge the Prince Charles Bridge – without consultation. Such frustrations are common in other countries. In Italy, Milan's Malpensa is being re-branded the [Silviano Berlusconi Airport](#), and it has emerged (per The Economist) that nine adjoining local authorities have protested that they were not consulted!

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## Straws in the wind

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**Consultation GuRU is now delivering up-to-date Briefings and Courses on the law of consultation; email or call for details**

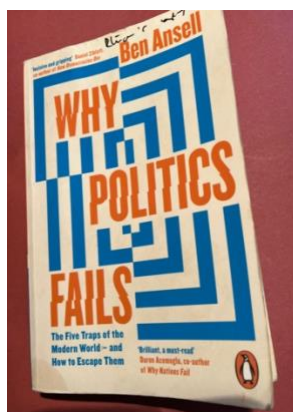
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## The Reading List

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It's a shame that Ben Ansell's book isn't called *How politics should handle the 'wicked issues'?* For the work is far more optimistic than the title suggests as he tackles five masterfully-analysed dilemmas we all face. Those facing **democracy** he summarises as *there's no such thing as the will of the people*. Our problem of **prosperity**, he says, is that *what makes us richer in the short-term makes us poorer in the long-term*. On **equality** he explores the conundrum that *equal rights and equal outcomes undermine each other*. On these and other propositions, he shows us how politicians face a series of 'traps' – damned if they do (something) and damned if they don't. He helpfully points to ways of 'escaping' these traps; in effect making acceptable trade-offs. It's a fascinating *tour d'horizon* of contemporary political themes, drawing on international parallels and sympathetic to those who are elected to address them. I lost count of issues which emerge as subjects of public consultation and this is therefore highly recommended to anyone who may have to explain complex decisions to *consultees* and communities.

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