

December 2024

The monthly summary of consultation matters by Consultation Guru –

Rhion Jones



# Consultation Catch-up

Suddenly this week a number of MPs started saying that they wish there had been more consultation before they were forced to vote on a once-in-a-generation social reform. In the end, the amendment was not even called. But it highlights the complete confusion as to when we consult and when we don't. Overleaf, I detail two other near-consultations on important subjects, and we seem to add to the uncertainty week by week. We need reform.

Separately, this week, I have opened a Bluesky account as I cannot possibly stay with X (or Twitter) any longer. I will use it as a concise way to comment on - or signpost to significant developments. Follow me [@consultationguru.bsky.social](https://bsky.app/profile/consultationguru.bsky.social)



Best of the Blogs

## [Assisted Dying: should there be a public consultation?](#) (Blog 86)



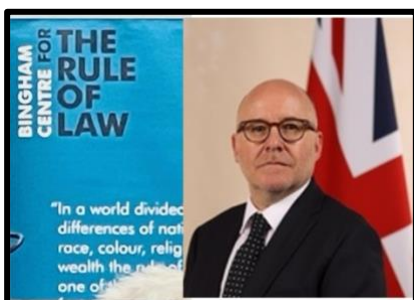
In the 72 hours before last Friday's Second Reading vote in favour of assisted dying, as both sides pressed their case, MPs tabled an amendment seeking to defer a decision until a public consultation had been held. In this Blog, I outlined the arguments both for and against a consultation at this time. How strong was the case for pre-legislative consultation? Or were the Bill's opponents merely using consultation as a pretext to defeat the measure?

## [Will the 'Gunning Principles' apply to Football clubs' consultations?](#)



(Blog 85). An update on the 'fan consultation' issue - per the **Football Governance Bill**. Should consultations conform to the Gunning Principles? DCMS says No, but I think it is wrong. Whether the Courts will enforce them may be a more open question ... but, seriously, what is the case for palming football supporters off with a less rigorous, watered-down version of consultation? The clubs would have little to fear. Some guidance and a little training would help them meet the Principles (so in February or March 2025, I hope to help organise a Seminar to explain what will be required).

## [The Rule of Law and the right to be consulted](#) (Blog 84)



Once in a while, a Government Minister says something important – really important. Last month, the need to preserve and champion the RULE OF LAW. Serious public servants and anyone interested in democracy should read it. In this blog, I've focused on our right to be consulted, and the inconsistent way that Governments of all parties have observed the legal rules. If you are a *consultee*, you need to be sure that views will be lawfully heard and considered. The RULE OF LAW that Lord Hermer promotes is much needed to ensure these rights are fully implemented and enforced by the Courts. But it needs to amount to more than one speech!

On Page 2 this month, the lack of clear-cut consultations on the new **CIVIL SOCIETY COVENANT & the NATIONAL YOUTH STRATEGY**, a fast-track consultation and two forthcoming legal cases to anticipate.

The Book Review is an excellent update on Citizens' Assemblies

---

## Instant insights

---

- Someone at the Department of Culture Media & Sport (DCMS) must have a serious aversion to the Gunning Principles. In addition to its hesitancy on the **Football Governance Bill**, here are two important initiatives where they have announced a programme of extensive engagement, but not necessarily a compliant consultation. In October, the Government announced a new ‘framework’ for the new proposed ‘**Civil Society Covenant**’ It has now started a ‘[wider phase of engagement that will help develop the final Covenant that we plan to publish early next year](#)’. There is an [online survey](#) on the NCVO website, a toolkit and four online workshops on 3<sup>rd</sup> December. But little sign of a formal consultation with the safeguards that a full range of views will be considered. That’s a pity because many people would like to know how this will differ from the COMPACTS that have existed in most Council areas for years. Then on 12<sup>th</sup> November Lisa Nandy announced that her department will co-produce a new [National Youth Strategy](#). Ultimately, we hear there might be a ‘conversation’ about a “*Today’s Youth; tomorrow’s nation*”. Again, lots of very general words about engagement, but little transparency so far. Both of these should be full consultations based on sound principles with opportunities for all interested parties to be heard.
- Following the Stellantis announcement that [van production will cease at Luton](#), the Business Secretary has announced a **fast-track consultation** on the way in which the Electric Vehicles mandate works. This is right out of the playbook for “[Occasions when consultations can be VERY useful](#)”. In fact, I have always favoured ‘fast track’ exercises, provided that stakeholders are comfortable with rapid-response dialogue methods; in general, the business community can certainly cope. Fast-track it may be, but fast-start it is not. Nothing published yet; maybe because a proper consultation requires impact assessments etc and the signs are that Ministers were not as ready for the Luton announcement as they might have been.

---

## Straws in the wind

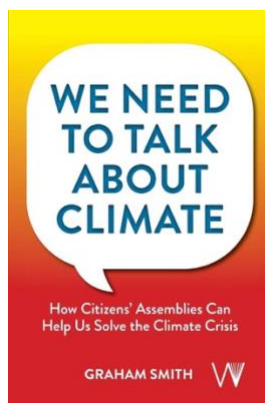
---

- Twice in November, I have spent a day at the High Court listening to legal challenges related to consultation – or rather, the lack of it. The first arose from a **planning mix-up** which meant that residents next to a closed Weetabix factory were not consulted on the [erection of a warehouse](#); there had been *another* closed Weetabix site and the wrong residents had been consulted. An open and shut case of an unlawful consultation you might think. But unfortunately, the Judicial Review was sought too late. In the other case, campaigners, [Save our Safer Streets](#) alleged that the Mayor of LB Tower Hamlets wrongfully revoked a **Low Traffic Neighbourhood (LTN)** scheme without adequate consultation! Still awaiting that judgment, but expect [Consultation GuRU Blogs](#) to explain the implications of both.
- 16<sup>th</sup> December is the closing date for the latest consultation on the long road to designate a new [National Park in North Wales](#). Consultation GuRU cannot possibly ignore that one! It’s interesting too.

---

## The Reading List

---



**Graham Smith** does us all an immense service by bringing together in one slim, readable volume, so much that public engagement professionals, civil servants, campaigners and politicians need to know about the most compelling democratic innovation of our times – [Citizens Assemblies](#). Although the title suggests it’s only about Climate Assemblies, his analysis of what’s worked – and what hasn’t - from the 200+ Assemblies that have taken place in Europe and beyond covers the entire spectrum of the genre. He is not among the dewy-eyed enthusiasts who, unrealistically see Assemblies as a way to re-engineer democracies from the ground up. Instead, he helps us learn the lessons of considerable experimentation and rightly recognises that the biggest challenge is to find ways to work with Governments so that their recommendations have a better chance of implementation. He is brutally honest and admits that “*engaging citizens is generally more fun than organising the bureaucratic procedures to follow up an Assembly*”. My answer has always been that these recommendations should go to a full public consultation – to strengthen their legitimacy ... and THEN to Governments. But Graham Smith’s book already points towards other excellent ways forward, and it’s my vote for the best stocking-filler for 2024.

To receive **Consultation Catch-Up** regularly SUBSCRIBE [here](#) or contact Rhion – email [rhion@rhion.com](mailto:rhion@rhion.com) or call 07966 446450

**Consultation GuRU** is a trading name for I.H.A. Ltd. UK Company Registration No 3037502

---