

**JANUARY 2025**

The monthly summary of  
consultation matters by  
Consultation Guru –

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# Consultation Catch-up



Was it too optimistic to hope that a new Labour Government would be better at public consultation? So far, its conduct of these important forms of public engagement is largely indistinguishable from the Tory administration they regularly criticised. Right now, there are some significant exercises open, such as one on [Copyright and Artificial intelligence](#) (DCMS), and one on [Assistance for Rail Passengers](#) (Officer of Rail & Road). There's a rather more dubious one on ['regulating' NHS Managers](#) (DHSC). Worst of all, however, is the MHCLG paper on modernising planning committees – evidently a consultation, but pretending it isn't. (See [my LinkedIn post of 11<sup>th</sup> December](#)). Must do better in 2025.

## Best of the Blogs

### [When consultee misgivings are well-founded. The burning issue of waste incineration.](#) (Blog 89)



Is it any comfort when events suggest you were right all along, and that public policies or infrastructure projects went ahead, steamrolling any opposition and in spite of *consultees* making arguments that are subsequently vindicated? Last week's dramatic announcement that waste incinerators may now become a LAST RESORT will make many campaigners feel they were wrongly disregarded! So, do re-appraisals like this hold lessons for today's crop of controversies? Unwanted pylons perhaps? Or electric vehicles??

### [Happy Christmas, Councillor! Your role may be abolished!](#)



(Blog 88) Labour's Devolution plans appeared as a timely Christmas Cracker for English Local Government. Although soon likely to be pulled apart, some shiny new goodies may emerge plus a tiny mayoral chain of office. Less Big Bang. More Snap, Crackle and Pop. But enough to cost thousands of Councillors their jobs, destabilise key public services and disrupt the push for 1.5m extra homes. However, if this goes ahead there are sensible things that can be done to produce a better outcome.

### [Warehouse neighbours too late to challenge planning permission despite Council's failure to consult them!](#) (Blog 87)



Many will have heard about the mix-up between two ex-Weetabix factories in Corby - leading to the astonishment of local residents when a warehouse was erected next to their gardens. The Council would never have found itself in the High Court had it not consulted the wrong streets! A tale of law but not necessarily a tale of justice! The Judge ruled against the residents, but it raises troubling issues about a lack of remedies when you see 'serial' screw-ups like this. Unlike the famous breakfast cereal, this case leaves a nasty taste in the mouth (...oh dear!!)

**On Page 2 this month, a consultation that suggests paralysis through analysis, a JR judgment on Low traffic neighbourhoods, more on Electric Vehicles and my review of Tom Brown's thorough review of Civil Service/Ministerial relationships**

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## Instant insights

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- The [Welsh Seabirds conservation strategy](#) is subject to a consultation that perfectly illustrates the frustration of informed stakeholders. In effect, it asks the public to approve a strategy that amounts to ‘Let’s do more research into species vulnerability etc and then we can formulate some conservation proposals and establish a funding mechanism.’ In the words of a leading expert, the strategy is one of ‘**Doing nothing whilst appearing to be doing something**’. The Welsh Government will, I expect, receive *consultee* responses that argue they should have provided options for genuine conservation actions and not hidden behind the need for yet more research where enough is already known to justify investment. Maybe it doesn’t have the money. If so, it is more honest to say so. Consultation is frequently complicit in **paralysis by analysis**, where the options of further research are preferred to proceeding with real actions. Do we not have yet another in the announcement of a three year re-visiting of social care?
- Campaigners have [lost a judicial review case](#) over whether the elected mayor of the London Borough of Tower Hamlets acted correctly in removing a **low traffic neighbourhood scheme**.. In [R \(Hawes\) v LB of Tower Hamlets](#), Mr J Fordham decided that the consultation was lawful even though the Mayor had relied upon a compromise scheme devised by officials rather than the options consulted upon. This will be of interest to *consultors* under pressure to re-consult by campaigners when significant new options emerge late in the process. Stand by for a more detailed Blog on this case.
- I’ve had my say on LinkedIn ([here](#)) about the Christmas Eve publication of the Government’s consultation on [the phasing out diesel and petrol cars](#). It is a deeply technical issue, much welcomed by the automotive industry. But in reality, it affects more people than 95% of public policy consultations, and beyond the technocratic issues lies the inconvenient truth that market interventions to force mass behaviour change are very difficult. Penalising car manufacturers for not selling enough EV cars does not feel fair if successive Governments have failed to invest in charging infrastructure so as to address consumer anxieties. This is branded as a ‘fast track consultation’, but Ministers need to realise that securing a **just transition** to a decarbonised world is a slower process. What the consultation will show is that people are far from convinced with the current approach to the problem. So, it is really useful!

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## Straws in the wind

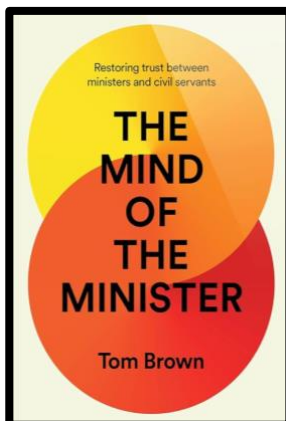
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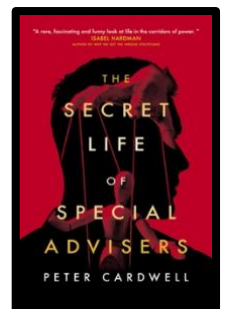
## The Reading List

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Six months into a new Government full of fresh-faced Ministers getting to grips with complex briefs is a great time to publish [this book](#). Tom Brown’s excellent study of the relationship between civil servants and politicians draws upon extended interviews with senior ex-Ministers and ex-Civil servants And a great way to understand the near-catastrophic decline in trust occasioned by years of post-Brexit confusion, the erosion of standards and the merry-go-round of short-term Ministers. It tells us more about the dynamics of policy-making and decision-making (*not* the same thing!) than dozens of political autobiographies that naturally bias towards the authors. But it contains a puzzle which deserves further investigation. **Public or stakeholder consultation is not even mentioned. Not once!** Even when one ex-Cabinet member notes that officials aren’t always fully up-to-speed with the latest

developments. Either the views of stakeholders are routinely ignored – which is unlikely, or that the results of consultations are factored into official advice at lower levels of the policy-making process. Neither is good practice, and this book provides a great platform to explore some of these process issues further. It leads me to look again at a lesser-known book by Peter Cardwell called [The Secret Life of Special Advisers](#), published in 2020. Anyone who wishes to understand the way in which policy decisions are taken needs to read both these highly relevant books together. That’s how to figure out the way in which to exert influence and how to factor effective consultations into the mix.




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