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The monthly summary of consultation matters by Consultation Guru –

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# Consultation Catch-up

Supercharged reactions to local election results might tempt some to conclude that the UK political balance has changed forever. Maybe, but it more credibly highlights the well-known difference between elections and consultation. It is one thing to vote for a party whose overall message and image you like, and quite another to give your considered support for specific policies. Consultation prompts informed deliberation – and politicians should be wary of claiming too strong a mandate without an effective dialogue with stakeholders. Unless you're Mr Trump, of course!

## Best of the Blogs

### [Infrastructure consultations curbed: can less mean more?](#) (Blog 99)



**Good news** for infrastructure developers! The Government will remove the requirement for pre-application consultations. **Bad news:** You'll probably have to consult anyway! **Bad news** for affected communities! Your opportunity for early consultations may be curbed. **Good news:** They are pretty ineffective right now, and in future, may well get better. Ministers are hoping this accelerates important projects, but may be disappointed as consultation is not the main reason for delays. Here are my observations on the latest bid to create a building binge. Whatever Ministers do, the public will still insist on consultation !.

### [Will statutory fan consultation in football affect local authorities?](#) (Blog 98)



Are you a Football fan? If you are, under **The Football Governance Bill**, currently dribbling its way through Parliament, you will be given the statutory right to be consulted by the Club you support? Hope you're pleased! Various forms of fan engagement already exist and need improvement. But consultation demands more of Clubs and their managements. And offers football supporters new opportunities to influence the Clubs on topics from Ticket

prices to Stadiums and sponsors. On **14 MAY**, Kevin Rye and I are hosting the **first ever SEMINAR** to consider the challenge that lies ahead – and the potential positive impacts on communities wherever professional football is played. This Blog explains how local councils and community organisations can benefit from these aspects of football regulation. **Join us at this event** – and **BOOK HERE**

### [What if Americans were consulted on tariffs?](#) (Blog 97)



US citizens have been told that an international trade war will help Make America Great Again. But I've been wondering whether they'd be so enthusiastic if they had been properly – and I mean '*properly*' – consulted. Of course, their way of doing politics is very different from ours, and in this Blog I explore whether there is any point to consultation on such issues. I conclude that we are lucky to have a more consultative political culture .... But then I would, wouldn't I?

**On Page 2** this month, two consultation cases that have just been to the Court of Appeal, accelerated consultations on UK energy, a late kick-off FA Cup Final, an anti-consultation polemic and a review of Graham Brady's book, '*Kingmaker*'

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## Instant insights

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- **Why is the new Labour Government appealing against Conservative consultations which the Courts declared to be unlawful?** We have just had two Court of Appeal judgments that have wasted public money unnecessarily. In the [Pickering Fisheries case](#), the 2023 judgment found that DEFRA failed to identify and consult properly on badly needed improvements to water quality on an important trout river in Yorkshire (See [Blog 53](#)). Government lawyers appealed – and lost again. Ministers should accept it. The other case is slightly more problematic. Last year, [LIBERTY won](#) an important case against Suella Braverman the (then) Home Secretary for selectively choosing which stakeholders to consult when toughening up the law on protests. (See [Blog 70](#)) The [Court of Appeal has now confirmed](#) that her action was unlawful but for different reasons. It held that her dialogues with police and other law enforcement agencies did not, in the event amount to a consultation!. Maybe – but it leaves the principle that you can't pick and choose who to consult pretty intact.
- Trying to assemble arguments to bolster attendance at our 14 May Seminar on football fan consultation, when I heard from the distinguished sports journalist, Henry Winter that the "FA insists that the 4.30pm start for **the FA Cup final** was 'agreed in collaboration with the competing clubs, broadcasters, local authorities, police and the Safety Advisory Group.'" But not, apparently the supporters, who, on these timings, might be unable to get back to Manchester that evening on public transport! Rather makes the case, doesn't it? – [BOOK HERE](#)

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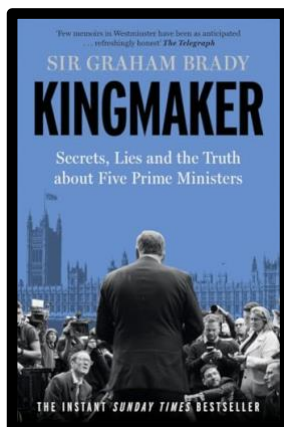
## Straws in the wind

- No better example of 'Government-in-a-hurry' exists than the panic it is in to tackle the issue of upgrading the National electricity grid. One of the problems that the new Planning & Infrastructure Bill addresses is outdated **National Policy Statements**. So there is rapid [5-week consultation](#) right now on revisions Ministers hope will clarify the balance that has to be struck between the economic, the aesthetic and what's acceptable to communities. Simultaneously, the **Commons Energy Security & Net-zero Committee** has launched its own [Inquiry](#), realising how toxic the subject of unwanted electricity pylons has become. If you want to give evidence, you have till 12 May. As I mentioned, they are in a hurry!
- It can be occasionally therapeutic to read and study the other side of the argument. A few days ago, Sam Dumitriu of [Britain Remade](#) published a tremendous attack on consultation under the title [Britain is a consultation nation: The Government is right to rein in consultation](#). Well-argued, and, in my view, wrong in many ways. But not entirely... and it is as well for those of us who champion public engagement to hear some uncomfortable home truths. Another reason why we need a fundamental re-think on consultation. I'm on the case .....

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## The Reading List

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[Sir Graham Brady's memoir](#) of his long tenure as Chairman of the 1922 Committee is a comfortable, entertaining read of a story we all feel we know. He revels in his role as almost-permanent custodian of Tory MPs letters of discontent with the revolving door of Party Leaders. More interesting are his insights into five Prime Ministers with whom he interacted, but elicits little or no sympathy for their plight. The machinations of party seems to trump national interest far too often, and one is drawn to a conclusion that this might be more a feature of our system than any particular iniquity of the Conservative Party. Apart from an irritating habit of repeating (often) any suggestion from colleagues that he should stand for PM himself, this is a political B movie that commands a respectable place in the recent chronicles of an extraordinary time of national mismanagement.

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