

June 2025

The monthly summary of consultation matters by Consultation Guru –

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# Consultation Catch-up

Writing my 100<sup>th</sup> Blog gave me reason to look back on the issues/themes that have featured over the last 30 months. What is clear is that the range and variety of consultations has grown - with new, creative ways of dialogue emerging regularly. Last month, we ran the first Seminar on the advent of *statutory fan consultation* for football; that will also be different! In the coming days, I hope to finalise and publish a **new framework for consultation** – so we can focus on what type of process works best for different scenarios.

## Best of the Blogs

### NHS Patient & Public involvement in England – the confusion continues! (Blog 102)



Someone needs to question the decision to scrap significant parts of the NHS capability to engage with the public. I can't imagine what makes Ministers think that communications between the arch-bureaucracy of the NHS and the millions they serve is done so brilliantly and with so much spare capacity that they can afford to scale back so much. I've now read the **Blueprint** for new-look ICBs - looking for clues, and found it a bitterly disappointing document, lacking any evidence-base. The authors admit that this top-down work-in-progress

needs wider circulation and (dare I say it?) consultation; presumably yet to be done. Only one snag. ICBs must plan their cost-reductions by 31 May. Based on this speculative, hypothetical model, they may well find they are eliminating the wrong functions, and maybe sacking the wrong people.

### West Dulwich Action v LB Lambeth: disregarding submissions from LTN opponents (Blog 101)



The latest legal challenge to a **Low Traffic Neighbourhood** has an interesting twist. The West Dulwich Action group claimed that LB of Lambeth conducted an unlawful consultation – and won. Much media coverage highlighted the potential threat to these initiatives. In reality, however, it is more about organising an accessible and inclusive consultation in the first place. Oh, and being prepared to consider relevant representations – even when not actually part of the consultation. Now that's new ... and has potential implications for many readers of Catch-Up

### So much more to say ... the 100th Blog!



Since December 2022, my 100 Blogs have ranged far and wide on all aspects of public and stakeholder consultation – from Planning Reform to Badger Culling and from Railway ticket offices to the Church of England. I've also blogged commentaries on over 20 judicial reviews affecting the law of consultation! I now reflect that there is much still to learn. And I've had fun trying to choose SIX OF THE BEST.

**On Page 2** this month, another important legal case on net zero, airspace modernisation, lessons from the Plymouth tree felling and the row over protecting nature. The reviewed book is **'Ungovernable'** by ex-Chief Whip, Simon Hart

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## Instant insights

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- On 8 May an important legal judgment was handed down in a Judicial review likely to be known as the [Jet Zero Strategy \(JZS\) case](#). It may become one of the landmark cases from the continuing saga of the Courts being used (wrongly in my view) to arbitrate on awkward policy dilemmas created by Parliament trying to use legislation as a policy-engine for net zero and other climate-related initiatives. This is about whether the Transport department was right in running a consultation on its **future aviation policy** by excluding *Direct Demand Management* measures (DDM). Claimants argued that this was artificially excluding an obvious and necessary set of potential actions (eg less expansion of airports, frequent flyer levies, limits on flights or passenger numbers etc) and thus re-ignited the whole legal debate about ‘discarded options’. Whilst a detailed commentary of this case must wait for a dedicated Blog, the key takeaway is that Mrs Justice Lang found for the Government. No matter that it might have been wiser for the consultation to have explained better how and why DDM options were excluded, Ministers were still acting perfectly lawfully in restricting the scope of the consultation.
- Meanwhile, the Government has just announced “[Redesigned flight paths to deliver quicker, quieter flights and boost growth.](#)” - full of happy thoughts about reducing delays and emissions whilst helping with the expansion of aviation and the much-required economic growth. As airport Managers and neighbouring communities already know, however, flight paths are extraordinarily controversial and the current elaborate engagement and consultation processes will almost certainly remain in effect - to some extent or another. **Consultation will have to continue.**

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## Straws in the wind

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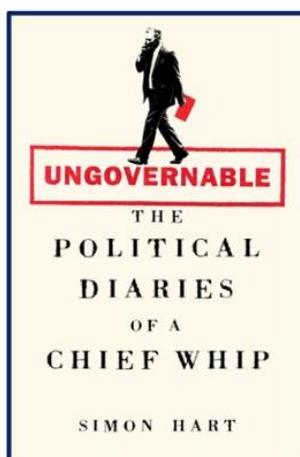
Readers may remember the high-profile row in Plymouth two years ago, when the Council’s **Armada Way regeneration scheme** led to the felling of 110 trees at dead of night in the face of widespread public opposition. The Council Leader was forced to resign, and High Court proceedings followed. Now the Council has published a comprehensive and devastating [Independent Learning Review](#), that should be compulsory reading for any local authority chief officer. It shows in embarrassing detail, the inadequacy of its dialogue with citizens, and the mistakes they made. Hardly surprising therefore, that one of its key recommendations is ... “*a revised policy and training programme for public engagement and consultation .*” Precisely!

- Ministers have provoked much sound and fury with their plans to radically change the arrangements for protecting nature and habitats in the planning process. It’s not just the substance of the matter. What 80+ distinguished signatories from the environmental lobby condemned was the **absence of ‘due process.’** Its joint statement carries the title “[Pause to Bad Law – a call for meaningful consultation on the Planning & Infrastructure Bill](#). It’s a debate that’s likely to continue for a while! And is just the latest example of the uncertainty surrounding the role of consultation in our legislative process. It’s still a mess.

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## The Reading List

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Simon Hart’s book, ‘[Ungovernable](#)’ got better as the story careered haphazardly towards its inevitable conclusion. His years in cabinet and close involvement with post-Brexit conservative Governments provide occasional glimpses of fascinating detail. But it’s as **Chief Whip for Rishi Sunak** that he was able to observe the decline and fall of a once-great party at close quarters. One is unsure whether to laugh or cry at the persistence of Tory MPs fighting for knighthoods and peerages to soften the blow of their widely-expected defeat, but Hart finds a way to treat it all with benign benevolence. On this account, Sunak comes across as a solid, well-intentioned PM. with little chance of closing the stable door when the horse had long ago, bolted. It’s a sympathetic portrayal, but this book does little to explain how the gifted technocrat made so many political misjudgements. These diaries are good at narrative but very limited on analysis.

Despite this it’s an enjoyable read; one for the beach, perhaps?

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