

August 2026

The monthly summary of
consultation matters by
Consultation GuRU –
Rhion Jones

Consultation Catch-up



Two contrasting themes as consultation makes the news at home and abroad. Here in the UK, Ministers are trying hard to curb the ability of the Courts to delay infrastructure, transport and housing projects by restricting recourse to Judicial Reviews. And the new PM wants to accelerate local government re-organisation despite substantial public opposition in some areas. Imminent changes to neighbourhood health in England will also spark major local debates – but the NHS has lost many of the experts on how to manage service change! In short, here, consultation is becoming inconvenient. In contrast, the FIFA World Cup row has almost every country desperately demanding that Gianni Infantino consults! For them, it is now VERY convenient!

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Best of the Blogs

Gatwick’s challenge to the take-off/landing slots consultation shows why ‘Gunning Three’ is ripe for re- definition. (Blog 134)



A recent High Court case allowed a short, four-day consultation - clearly in unusual circumstances. But how long should a consultation last? In this Blog, I argue that we are approaching a period of accelerated timescales and more agile forms of listening to stakeholders. The new PM seems to be in a hurry. Perhaps we all need to speed up

Can Burnham finally solve Labour’s consultation dilemma?

(Blog No 133)



Can Burnham solve Labour's consultation dilemma?

The Starmer Government's record on consultation was mixed, and reflects the Labour Party's long-standing dilemma. Whether to be true to its collectivist heritage and listen to communities (of all kinds) or masquerade as aggressive 'can-do' go-getters determined to show the markets that they can be single-minded implementers, not derailed by tree-hugging NIMBYs and blockers? Can Andy Burnham set a different tone for this nearly-new administration? And will public engagement be better or worse now he is PM?

The Casey ‘Big conversation’ – the Blog I haven’t (yet) written!



The launch of the widely-promoted **public participation exercise** to support Louise Casey’s project on **adult social care** should have been the main consultation news this month. But the PM’s acceleration of the work raises tricky issues about the purpose of the exercise. In **FOUR FUNCTIONS** terms, it becomes less of a **NAVIGATION** and more of an **EXPLORATION** consultation – with no great transparency on the methodology. May be worth looking at the details in August.

On Page 2 this month, a first look at challenging words in the Cabinet’s ‘**MACHINERY OF GOVERNMENT**’ paper, important High Court cases and thoughts on Shared Voice’s paper on **REPRESENTATIVE PLANNING**. The Book review is ‘*Bad Government*’ by Caroline Slockock.

Instant insights

- In the Burnham Government's hurriedly published Cabinet Statement '**Rewiring the State**', there is the commitment "...to replace the current model of consultation by default with new and modern forms of public participation. This includes considering where performative statutory duties to consult can be revoked and how we can more actively bring the public into the policy-making process instead..." In many ways it's a great aspiration, but full of problems – which my Blogs will shortly explore. But the whole paper is similarly and gloriously optimistic. It hopes to re-align administrative boundaries to achieve the elusive *co-terminosity* that tidy minds have always yearned for – just as the NHS recovers from its third reorganisation in 15 years! Of course, it is wise to sketch out a vision and a sense of direction, but Labour will need to manage expectations with care. Regardless of their wish to de-emphasise consultation, I predict there will be enormous amounts of dialogue required before much of this can actually happen.
- Two significant **High Court judgments** in July illustrate the implications for public bodies when they fail to take account of *consultee* views. **Daniel Adams v North Somerset Council** is, in fact, a review of controversial car parking charges in Clevedon. The Council's consultation overall was held to have been lawful, but there was an admitted failure to consider Mr. Adams' objections. Despite this, the Judge found for the Council as the administrative failures did not amount to 'substantial prejudice.' In a similar vein, a Judge earlier this year had considered the planned closure of an adult education centre in Bromley and concluded that there had been an unlawful failure to consult users, who were mostly people with learning difficulties and disabilities. However, he had invoked the **Senior Courts Act** provisions that enables Judges to avoid a quashing order if the outcome would have been highly likely to have been the same! This month, in **R (BUJ) v LB of Bromley**, the Court of Appeal reversed the decision. This ruling may prove quite significant, as too many Councils have relied upon the "We had no choice" defence. The Court is signalling that *consultees* need to be heard and given a real chance to influence the decisions. Both cases will feature in this autumn's update of my **Law of Consultation** courses.
- Shared Voice's **Representative Planning** Guide raises important issues about current consultation practice in relation to meeting housing needs. Its core assumption seems to be that Planning authorities are deciding against housing proposals because consultation responses are heavily biased towards the loud voices of objectors. It argues that it is as important to encourage responses from many who do not normally participate – neatly drawing a distinction between 'communities of place' (who often say NO) and 'communities of interest' (who are more likely to say YES). For years, *best practice* has required public bodies to ensure they hear both sides of such arguments properly, so why is it not happening more often? Laziness? Haste? Skill-shortage? Budget? Or is it the old planning culture that consultation is merely about processing objections? This Guide is a great reminder that huge improvements are needed in community dialogue if we are to reach the Government's housing targets.

Straws in the wind

The Reading List



Caroline Slocock has been very lucky. This is the **right book for the right moment**. She could not have known that its publication would coincide with the replacement of Sir Keir Starmer, largely because of mistakes she accurately describes in this readable volume. Much of her book covers well-trodden ground where many authors have pinpointed real weaknesses in the administrative mechanisms that UK Ministers rely upon. (See for example, Sam Freedman's *Failed State* - written in 2024/2025 and before Labour mostly failed to address these issues.) What makes Slocock's analysis so much better is the insider's view of someone who clearly saw the same problems emerge over and over and the institutional and cultural inertia that defeated most attempts to tackle them. Every chapter starts with succinct phrases to describe what she regards as 'bad government' and 'good government.' Super summaries; and she will surely be pleased at the congruence between her list and the ideas in the Cabinet Statement on '*Rewiring the State*'. I recommend the No10 Team, north as well as south – to study her detailed suggestions; they might find them helpful. And very timely.

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