

August 2023

A monthly summary of consultation matters by Consultation Guru – Rhion Jones.

Consultation Catch-up



Rhion Jones argues his case re the Rail Ticket Office closures consultation

Rail Delivery Group forced to extend the consultation on closing Rail ticket offices

Widespread criticism of this consultation gave the RDG little choice. But note the Learning Points:

- When consultations are inadequate - we need to call them out.
- It's not just a legal challenge that can force a re-think (Government has plenty of lawyers); *consultors* often realise they need help!
- If we publish and share widely an informed critique of what's wrong.

it helps put pressure on consultors to respond. So - (to paraphrase a Railway industry message) "if you spot something that's not right", let **ConsultationGURU** know, and let's see if we can put a dodgy consultation under the microscope!

For Rhion's short video, click [here](#)

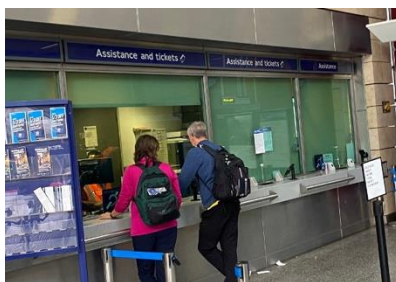
What made the ULEZ consultation lawful?



In the late July High Court judgment, five London Councils failed to frustrate the plan to expand the capital's **Ultra Low Emission Zone (ULEZ)**. It turned out to be more of a challenge to the consultation than anyone imagined, as the original claim was swiftly dismissed. I've tried to analyse the lessons, but there are so many political cross-currents here that the main takeaway is the need for better engagement with a conflicted and deeply-anxious public.

What's wrong with the Train station ticket office consultation?

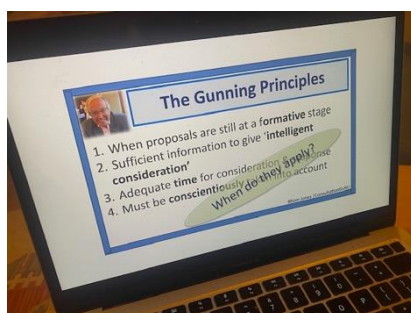
Actually – quite a lot!



Andy Burnham and his fellow mayors have received a lot of publicity by threatening a judicial review over the 21 days public consultation on **closing railway ticket offices**. But what is REALLY confusing about this exercise is that you are not being asked to give the Train Operating Companies your views; you are merely asked to help an intermediary third party (Transport Focus) decide whether to accept or reject the proposals. The trouble is - it may not know much about you - whether you are a commuter,

a leisure traveller, young, old, disabled or able-bodied. They need to fix this soon.

Mixed messages on the Gunning Principles



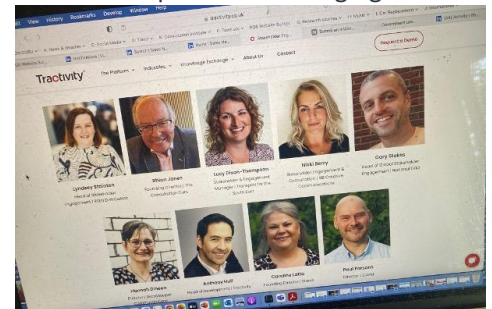
Whilst waiting for a decision on the ULEZ judicial challenge, we saw two very contrasting judgments on **consultation law**. ASLEF and other Unions persuaded a Judge that a failure to consult made an attempt to change the law on replacing strikers in essential public services unlawful. But two days earlier, the Court of Appeal overturned the 2022 decision in the Binder case, and in so doing appeared to be undermining much 'received wisdom' about the applicability of the **Gunning Principles**. Uncertainty looms.

Instant insights

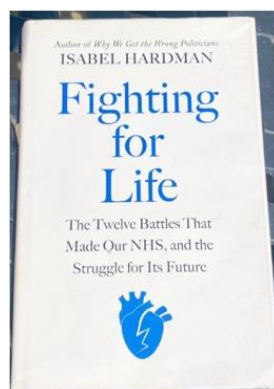
- [Michael Gove's long-awaited July speech](#) on **housing and planning** was a damp squib. He had little to say apart from suggesting that developers should now focus on building inside (Labour) cities rather than in the (Conservative) countryside. There will be flying squads of super-planners who will unblock developments that are in stasis, and so many initiatives to build in and around Cambridge that local Tory MPs immediately choked on their greenbelts. But then we came to the section entitled "*Communities taking back control of their future.*" and expected to see some innovative proposals on public engagement. In fact, the nearest we get is some process to ensure that what is built is *beautiful*. Not a lot to see here.

Straws in the wind

- The day after, the same Department of Levelling Up launched its massive [consultation](#) on operational improvements to managing **National Infrastructure Projects** or **NSIPS**. Disregarding the widely held view that the principal cause of delay in signing off the big stuff is indecision and dither among Ministers and especially the Treasury, this 44-question head-banger introduces into our lexicon the innovative concept of an '**adequacy of consultation milestone**'. It assumes that there is currently far too much consultation – and that the best way to reduce this burden is to agree at the outset to have less of it. In principle, I do not disagree with streamlining these processes, though I suspect the real reason for current practice is that project sponsors do not quite know what they are proposing in time to enable an informed dialogue at the early stages and have to re-consult once they've figured it out! One to watch!
- I have accepted an invitation to speak at the Tractivity [Stakeholder Engagement Summit](#) on **10th October in Birmingham**. Really pleased to see the emphasis on managing stakeholder relationships. It's really hard to have an effective consultation without this. Browsing through the Speakers, I'm delighted to see that I'm joining a great line-up that include Caroline Latta and Paul Parsons - my colleagues from [STAND](#), and of course stalwarts of the Consultation Institute. I'll be speaking about stakeholder mapping – but I promise it will not be dull. Probably the most useful day out of the office this year!



The Reading List



For those who are really interested in the NHS, [Fighting for Life](#) is surely a 'must-read', for it tells the story so well. Everything from the early battles to appease the doctors to the astonishing advances in everything from renal dialysis to heart transplants; CAT-scans to mass vaccinations. All the political rows over funding or re-configurations, patient safety and of course, AIDS, C-difficile and COVID-19. It follows generations of Health Ministers from Bevan onwards including the unlikely Enoch Powell, the combustible Barbara Castle, cigar-smoking Ken Clarke, through to Alan Milburn, Pat Hewitt, Andrew Lansley, Jeremy Hunt and, of course Matt Hancock. One question, however occurs to those who may be managing public engagement in the NHS. To what extent does

this amazing history show the impact that the over-and-above requirements to involve and consult patients and public has had over the years? Alas it is the one aspect where this otherwise brilliant book disappoints. Must talk to Isabel Hardman!

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