

## IS THE CONSULTATION VALID?

The decision to close the Judd Street-Euston Road junction to motor traffic was taken on the basis, amongst other things, of a public consultation in February-March 2016.

Councils have a lot of discretion about how consultations are carried out. But sometimes consultations are challenged in the courts and case law then defines some principles.

Consultations should:

- take place when proposals are still at a formative stage
- give enough information to allow intelligent consideration
- give adequate time for response
- be reported on in a timely fashion
- be conscientiously taken into account in subsequent decision-making

There is also guidance from the Local Government Association. Their checklist includes these two points:

- Monitor the responses: keep track of the number of responses you receive so action can be taken to improve response rates if necessary. Check the responses being submitted to get an idea of the issues arising.
- Analyse the results: Consider what story the data are telling and what this means in terms of the questions asked. Calculate how many people gave certain answers and look for any variations. You should also seek to identify any patterns, trends or themes to help identify key issues

The first thing to say about the 2016 consultation about changes at the north end of Judd Street was that it had a very low response rate. 19,384 consultation letters were sent out in an approximately rectangular area around the Judd Street-Euston Road junction. 104 paper responses and 48 online responses came back from within the consultation area – 154 or 0.8%. The Council says: 'in general, responses to consultations have varied from 5% to 15% although it is not uncommon to see a response rate which is either below or above this range'. But this consultation's response rate is really very low and begs the question why?

First, there were problems with the distribution which the Council acknowledged at the time and attempted to deal with. But there is another problem. The traffic impact on Euston Road was discussed briefly in the consultation papers and 'slight increases in journey times' are

mentioned but traffic displacement onto surrounding streets was not examined at all. The response might have been higher if the proposals had not been presented as 'walking and cycling improvements'. Yes, there was a choice between full closure and partial closure of the Judd Street - Euston Road junction but how many people got past the title to think about the implications of a junction change? Local people are now **working out the** implications but these ought to have been discussed in the consultation documents. How does one get from A to B, and C to D, with each option and how does it compare with what we have now? Are the streets wide enough to take these alternative routes? Will big delivery lorries be able to get round this corner if they can't go round that one? What does this mean for a local accident black spot? With that sort of open questioning the response would almost certainly have been much higher.

Altogether, 754 responses were reported for the 2016 consultation, but without separating consultation area views from other views. After the June 27 meeting the Council provided us with the following figures. The consultation area generated 20% of the response (152 replies), other parts of Camden produced 11% (82 replies) and the other 69% (520) came from outside Camden altogether. Comparing the 152 consultation area responses with those from outside the area, more didn't want either option (53% against 48%), fewer wanted option 1 – full closure (24% against 42%) and more wanted option 2 – part closure (17% against 3%).

Both within and outside the consultation area respondents were more in favour of the response 'neither option' than the suggested options 1 or 2; 52% within the consultation area and 48% outside responded 'neither option'. Only 24% within the consultation area wanted option 1, compared with 42% outside the area. Since, in both groups, more people wanted neither option this can hardly be called a ringing endorsement of option 1

Nevertheless, a report went to the Council Leader on June 27 offering just two options – 'Do nothing' or 'Approve the proposals as consulted on with the full closure of Judd Street where it joins Euston Road'. But these were not the options consulted on. 'Do nothing' is not equivalent to responding 'neither option'. It is easy to dismiss the 'neither option' as people wanting to do nothing, dinosaurs opposed to change. But there are other options and there are more options now than in 2016 when the consultation took place, as vehicle recognition technology advances has become cheaper. People supporting neither option still want something done about congestion and pollution and could well support other options such as control of business delivery times.

Also, the 27 June report did not separate views in the consultation area from views outside and understated the support for option 2 amongst people closest to the junction. A decision has been taken based on a report which was not at all transparent. This is why BRAG wants to talk to Camden about improving the consultation process. The response in this consultation was dominated by views from a very large surrounding area. This is not to say that people from a wider area are not entitled to opinions – of course they are. But the community is entitled to know what sort of stakeholders are joining in the consultation.

In summary, BRAG's view is that the consultation on the junction at the north end of Judd Street was seriously flawed, both in its initial drafting and implementation and in the way that its findings have been used. The consultation fails three of the five requirements for good consultation that case law has defined:

- It did not give enough information to allow intelligent consideration so many residents and business most affected by the changes did not take part
- It was not reported on in a timely fashion – government guidance is that consultations should be followed up within 12 weeks, not 120 weeks
- The incomplete reporting of findings means that the June 27 decision cannot be said to have conscientiously taken them into account.

There should therefore be a new examination of options and a new and more thorough consultation.