

Note about climate emergency consultation and the relevant legal framework.

The legal framework

The legal framework regarding the consultation process seems to me to be set out in a number of legal instruments:

- The Aarhus Convention
- The Equality Act 2010
- Common law
- Government guidance on consultation principles (2018)
- Localism Act 2011
- the Council's own constitution

The **Aarhus Convention**, on decision making and access to justice in environmental processes, which the UK ratified in 2005, has three main principles:

- (i) Access to Information
- (ii) Public Participation
- (iii) Access to Justice

Article 6 provides that public participation should be “adequate, timely and effective”. Participation and transparency in decision making provides a basis for thinking in alternatives. For example, are there other ways to attain the goals that the proposed consultation seeks to achieve?

The **Equality Act 2010** and the **Public Sector Equality Duty** read with the Aarhus Convention requires the Consultation to be accessible to groups with different protected characteristics.

The **Common law** position is set out in the Sedley principles:

“22. As to timing, consultation must be at a time when proposals are still only at a formative stage, when the views of the decision-maker are only tentative or provisional upon the outcome of the consultation process and the decision-maker has not yet fixed upon a definite solution but is prepared to change course if persuaded to do so. A decision-maker may have a preferred option or provisional view, or a course it is "minded" to take subject to the outcome of the consultation, but it **should not make a decision in principle and then consult if this has the effect that the proposal has gone beyond the formative stage.** If consultation takes place only after the proposal has gone beyond the formative stage, then the decision may also be liable to challenge on the ground of predetermination [18] . *R (Partingdale Lane Residents' Association) v Barnet London Borough Council* [2003] EWHC (Admin)”

The **Government guidance on Consultation Principles (2018)** require consultations to be clear and concise, using plain language and stakeholders should be consulted “in a way that suits them”.

The consultation ought to state in plain language what Hillingdon Council has achieved in terms of Climate Change.

Under the **Localism Act 2011**, the Borough has powers to do any lawful act an individual could do. Advising residents in the consultation that the Council has these powers might encourage residents to think of ideas for tackling Climate Change which could be taken up if there was sufficient networking of local people. This could enable the Council to be a facilitator of new companies and voluntary organisations if it is willing to take on that role. In Hillingdon's Economic Strategy for a Sustainable Economy 2005-2015, it discussed Hillingdon's brand, (page 30) and recognised there was a need for a contemporary vision for the Borough.

I would encourage the Borough to do the following:

Accessibility

The consultation should be available in multiple formats, including Easy Read and audio visual, in writing and audio. Podcasts are a form of communication which could also be used to make it more accessible.

Consultation process

Given the Coronavirus situation, the Council could hold some Zoom consultation meetings as part of an overall strategy which embraces digital technology. This could be part of a range of routes to gain people's views on what actions the Borough and residents can take.

Disability

- A podcast could be produced setting out the summary of the Climate Emergency and how to participate in the consultation. Local disability umbrella groups could be asked to distribute the consultation to their mailing lists. Whilst I appreciate the voluntary sector are rarely asked to take specific actions like this, the scale of the Climate Crisis is so huge that we cannot ignore significant sections of the population as they may have different ideas about how to proceed.
- Audio and audio-visual clips for use on Twitter, Facebook, and Instagram.
- Some disabled people might want to be consulted by text.
- The LB Hillingdon Disability Assembly has been suspended owing to Coronavirus. This could be held on Zoom to enable disabled people to participate and to discuss the Climate Emergency. I am a member of this group, owing to my mental health condition, and asked if this could be held virtually and was refused. It is a reasonable adjustment to hold it virtually in my view.
- 'Nothing About Us Without Us' has been a campaign cry of disability activists for some time. Overlooking an important section of the local community will not help to move the Climate Change agenda forward in the Borough.

Race, Religion, or Belief

- A request could be sent to all Churches, Mosques, Gurdwara and other places of worship in the Borough to ask them to inform their congregations that the consultation process is happening and to think about putting in an individual and a collective response. I understand from our local Church there is a big push on the eco Churches agenda across the Diocese.
- Audio clips in different languages can be sent to community groups with a request that they distribute the consultation audio clips. According to one site I looked at, the minority languages are: 3.4% Panjabi, 1.5% Polish, 1.4% Tamil, 1.3% Urdu, 1.2% Gujarati, 1.1% Somali, 0.7% Arabic, 0.6% Persian/Farsi, 0.6% Nepalese. These could be made in an inexpensive way by asking Hillingdon employees who speak these languages to volunteer to make short audio clips. These could be sent to Hayes FM with a request that they play them on the radio. Radio Hillingdon and other local radio stations could also be asked to assist.

Age

- The **Older People's** Assembly could be consulted via Zoom. Some older residents may not be technologically able to participate in this way and might gain their information from the proposed bumper Climate Emergency edition of Hillingdon People suggested below.
- **Children** – a simple set of questions could be distributed via schools. Libraries could also be encouraged to stock the Penguin book on Climate Change which is peer reviewed by the Royal Meteorological Society. Each library and school could be allocated a sum to buy a selection of books on Climate Change.
- **Young people** – it is unknown whether young people in Hillingdon would like to be in Eco-teams, but if specific questions in the consultation ask young people how they would like to be involved in fighting Climate Change, then they will be able to explain for themselves how they would like to help.

Marketing the Consultation

- **Hillingdon People** - A special edition where all the content (save for any essential articles on other topics) is focused on the Climate Emergency, with details of how the petition came to be collected – perhaps some of the petition signatories might be willing to have their photo in the magazine. A page could advise readers that there will be a new letters page, where feedback about the special edition will be published (Hillingdon People needs a letters page anyway).

Efforts could be made to get some 'eco' adverts for the special edition, e.g., solar panel installers, gardeners. Hillingdon People is usually about 32 pages long. An inside 4 page pull out section which set out the summary of the Climate Emergency consultation in Easy Read could enable people with Learning Disabilities to read the consultation and be supported, if they need help, to respond.

A page could include photos and details of the LED streetlights Hillingdon has changed across the borough, which would help residents understand the reason for using them in their own homes.

A page could set out what library books are available on Climate Change and what the consultation questions are for children, if they have been decided upon at the time of going to press.

These are just examples, if you run out of ideas, I can contact people who might think of some more.

- **Bus stop adverts and hoardings.**
- **A wraparound advert in the Hillingdon editions of the Gazette newspaper**
- **Social media posts** – promoted Tweets directed towards people with Twitter accounts assigned to Hillingdon postcodes.
- **Doctors surgeries** – our GP has a TV screen to look at while we are waiting to go in. Can Hillingdon buy a slot of time on these screens and do a TV piece about climate change and encourage people to participate in the consultation? This might take people's mind off the possible anxiety of going to see their GP and enable them to learn about Climate Change whilst waiting. I appreciate GPs want a captive audience for their public health messages, but if they were interspersed with Climate Change information then people might start to make links between their diet and their health. The last time I looked it up, Hillingdon residents were classified as one of the fattest groups in London. Is this still the case?
- **Video** – Hillingdon's video department could make some video content to be put on Twitter and Facebook pages across the Borough in adverts. If there are people you can find who can talk about their personal stories of how the Climate Crisis is affecting their relatives in other countries, these stories will hopefully have an impact on residents and encourage them to engage. As leader you might find volunteers amongst Hillingdon Council employees who are willing to feature in a short video clip and explain how Climate Change is affecting their relatives in other countries.

Major Institutions

- **Brunel University London** – As a Brunel graduate, I hope Hillingdon Council will fully engage with the University to encourage the local academic and student community to respond to the consultation.
Universities UK recently held a two-day conference on the Role of Universities in Tackling the Climate Emergency. Their website states "Students are key change makers when it comes to improving sustainable practices and shaping environmental policy." I have emailed a few people connected to Brunel to ask them to engage with this issue.

- **Global Academy** - Students learning about media and Communications will have a great opportunity to put their skills into practice if they are asked to develop a communications strategy for Climate Change.

Socio-economic Impact

- Questions in the proposed consultation could be run past the Borough's MPs and Councillors and any residents who are members of the House of Lords, prior to dissemination to the local community. This would help to ensure that politicians at all levels were supportive of the objectives of the consultation and might be more likely to encourage residents to be involved.

When I was talking to a speechwriter in the US recently about the issue of Climate Change on a local basis to where he lived, the first thing he said was about recycling and composting.

Clearly, this misses many aspects of the big picture in relation to human action and Climate Change. To avoid the Hillingdon consultation falling into the same trap it is important that the Council provides information across the breadth of the issue and is willing to link job creation to the consultation process.

As the new US President, Joe Biden, has said, 'Climate Day is also Jobs Day' and a consultation could include what type of new eco-jobs could be created in the Borough, given the impact of Covid 19 on Heathrow Airport in particular. Covid will continue to have a very significant impact on the local community for years in terms of jobs and inequality.

I enclose a copy of President Biden's Fact Sheet on the Executive Actions statement issued by the White House (27 January 2021). Continuing to cross fertilise the Borough's strategy with actions taken by governments, both local and national, from around the world, will help to improve the Borough's performance on this issue.

Hillingdon Council's Wider Leadership Role

If the consultation is confined to what Hillingdon Council does with its own buildings, vehicle fleet etc, it will fail in its role as a local leader. Climate Change is too serious an issue to confine the consultation to an inward 'local authority only' lens.

- One way this might be addressed is by consulting residents about whether there should be a regular Climate Assembly established, akin to the Older People's Assembly and the Disability Assembly. This could help facilitate economic development within the Borough.
- I have written to Boris Johnson, my MP, suggesting a national Bank Holiday for Climate Change. If this does not happen, perhaps Hillingdon could hold its own Climate Change Day in the Borough.