

MAYOR & CABINET		
Report Title	Statement of Community Involvement (SCI) 2018	
Key Decision	Yes	Item No.
Wards	All	
Contributors	Executive Director for Resources & Regeneration Head of Planning and Head of Law	
Class	Part 1	Date: 10 January 2018

1. Purpose

- 1.1 To provide Mayor and Cabinet with the information needed to approve the revised Statement of Community Involvement (SCI) for public consultation.

2. Summary

- 2.1 The Council adopted its current Statement of Community Involvement (SCI) in July 2006. The SCI forms part of the local development framework and is a legal planning requirement. It sets out the Council's policy for involving and communicating with interested parties in matters relating to the preparation and revision of local development framework documents and the exercise of the authority's functions in relation to planning applications.
- 2.2 Since its adoption there have been significant legal and regulatory changes to the planning system that the SCI needs to reflect. These include the changes introduced by the Planning Act 2008; the Localism Act 2011; the Local Planning Regulations 2012; the Development Management Procedure Order 2015; the deletion of the planning policy statements and their replacement by the National Planning Policy Framework in March 2012 and the Neighbourhood Planning Act 2017.
- 2.3 A Draft SCI was produced in 2013 and public consultation was carried out in August until October of that year. A number of concerns from members, local community groups and residents to the draft proposals were received. All comments were reviewed and it was decided not to progress the SCI update until the Council's IT system had been upgraded and we would be in a better position to consider fresh and amended proposals.
- 2.4 Since the previous SCI was adopted in 2006, there have been a number of important changes to planning legislation. These changes have been reflected in this new SCI. The new SCI has enabled a review of existing approaches, drawing on the Council's experience and reflecting new methods of public involvement and

engagement, such as the greater use of electronic forms of communication and social media.

3. Recommendations

The Mayor is recommended to;

- 3.1 Approve the revised content (Appendix 1) and timetable of the SCI (Section 9) and subject to confirmation that it is not intended to direct any changes, recommend that the draft SCI go out to public consultation.
- 3.2 Authorise the Executive Director of Resources and Regeneration to make any minor changes to the text and format of the documents prior to consideration by Full Council.
- 3.3 Refer this report to Full Council for information.

4. Policy context

- 4.1 The content of this report is consistent with the Council’s policy framework, particularly the Core Strategy and the Sustainable Community Strategy (2008-2020) (SCS). The draft SCI contributes to the implementation of the SCS strategic priorities, in the following areas:

SCS Relevant Areas	Corporate Priorities
Empowered and responsible – where people are actively involved in their local area and contribute to supportive communities.	community leadership and empowerment – developing opportunities for the active participation and engagement of people in the life of the community inspiring efficiency effectiveness and equity – ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community
Clean, green and liveable – where people live in high quality housing and can care for and enjoy their environment.	decent homes for all – investment in social and affordable housing to achieve the decent homes standard, tackle homelessness and supply key worker housing

- 4.2 The SCI is a legal planning document that sets out how the Council will consult the public and other stakeholders when preparing statutory development plan documents and how it will consult on planning applications.
- 4.3 The Council must (as a minimum) comply with statutory requirements for consultation set out in relevant legislation, including:
 - The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) – for planning policy documents

- The Neighbourhood Planning (General) Regulations 2012 (as amended) – for neighbourhood planning documents
- The Town & Country Planning (Development Management Procedure) (England) Order 2015 – for planning applications
- The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) – for listed building consents

4.4 The Council's SCI has been refreshed to bring the document up-to-date following changes to planning policy legislation and guidance at national and regional level. These changes relate to the plan making process, namely the principles of consultation in relation to neighbourhood planning, community infrastructure levy and the duty to cooperate.

5. Background

5.1 The Planning and Compulsory Purchase Act 2004 (as amended) places a duty on the Council to produce a SCI. The SCI is a statement of the Council's policy for involving interested parties in matters relating to development in the borough. In particular it is a statement about how the Council will involve the public and other stakeholders in the preparation and revision of local development documents and in the exercise of the authority's functions in relation to planning applications.

5.2 The Council adopted the first SCI in July 2006. Since that time there have been many changes to the planning system. These include but are not limited to changes introduced by the Planning Act 2008; the Localism Act 2011; the Local Planning Regulations 2012; the deletion of all the planning policy statements and their replacement by the National Planning Policy Framework in March 2012. Collectively these changes have produced new requirements and processes for producing local plans and dealing with planning applications.

5.3 Given the large number of legal and policy changes and the substantial improvements to the Council's IT infrastructure and systems that have been made since the adoption of the SCI in 2006, it is considered necessary to revise the adopted SCI to reflect these changes. It is now much easier to view and comment on planning applications on line and these improvements facilitate changes to the operation of the planning service that enable it to better respond to the needs of the community.

5.4 The SCI is a local development document but not a development plan document. It is essentially a procedural document that sets out how the Council will consult on the preparation of development plan documents and on planning applications. However, it is part of the collective planning documents for Lewisham that make up the local development framework.

6. Main Changes to the Adopted Statement of Community Involvement - Relating to Planning Applications

6.1 The Council's current approach to consultation on planning applications is set out in the Adopted Statement of Community Involvement 2006. This sets out the level

and approach to community consultation on planning applications according to the type and significance of the application.

6.2 The existing Statement of Community Involvement requires the following advertising and consultation once an application is submitted:

- Site notices/ letters – all applications have site notices and properties affected by the development are individually written to by letter
- Representations – these are acknowledged in writing.
- Local Meetings – these take place where one or more objection(s) have been received from a residents' association, community/amenity group or ward Councillor and/or where a petition is received containing more than 25 signatures and/or where 10 or more individual written objections are received from different residents.
- Amenities Society Panel (ASP) - planning applications in conservation areas, for listed building consent, certain tree works and highways schemes referred to fortnightly ASP meetings

6.3 The increased functionality of the Councils website, means that the planning service can better engage with local residents, rather than just contacting properties, and other stakeholders.

6.4 The draft SCI proposes the following main changes to the consultation process for planning applications:

- Encourage people to track progress of planning applications by individual site, road and / or ward by registering on the planning website;
- Clarify how the Planning Service will deal with Petitions and comments from multiple residents in same households.
- Permanently replace the ASP with the Community Group meetings.
- Change Neighbour Consultation on purpose built blocks of flats to notification by Site Notice(s) erected in each foyer of a building; and
- Encourage developers of major schemes to hold local pre-application community consultation meetings.

6.5 The existing SCI requires that planning applications in conservation areas, for listed building consent, certain tree works and highways schemes are referred to the Amenities Society Panel (ASP); made up of members of local amenity societies. ASP met fortnightly and was administered and run by Planning staff, and was resource intensive. Since 2011, the Planning Service employs two qualified conservation officers to provide specialist heritage input into applications concerning conservation areas / listed buildings. Following a trial period, for approximately the last 9 months, the fortnightly ASP meeting has been replaced with regular community group meetings, which also involve the emerging neighbourhood forums. The first meeting was held in March 2017, with over 40 local groups attending and the second in October 2017. Feedback has been good; as it enables proactive engagement with a wider cross-section of residents/community representatives.

6.6 Changing neighbour consultation on flatted blocks to the erection of a site notice in the foyer has been trialled for the last year and has been positively received.

6.7 The approach to pre application consultation in the adopted SCI is more reactive whereas in the draft SCI it is more positive and proactive, encouraging pre application consultation on proposals.

6.8 The draft SCI has also been amended to clarify the Planning Service's approach to petitions lodged in respect of planning applications, approach and approach to comments from residents in same households.

7. **Main Changes to the Statement of Community Involvement - Relating to Plan Making.**

7.1 The adopted SCI sets out the process for plan making as it existed in 2005/6. This was at the start of the new local development framework process. The government at that time thought it best to provide a great deal of legislation and policy guidance on the new plan making process. This has now been radically revised and reduced in scope.

7.2 The current rules for Plan making are set out in the National Planning Policy Framework (NPPF) and in the Town and Country Planning (Local Planning) (England) Regulations 2012. Both of these document reduce the requirements placed on local councils when preparing their local plans.

7.3 In the new regulatory framework under 'localism' local planning authorities are given more discretion on how to prepare local plans. The consultation draft SCI therefore updates the facts of the new legislation and sets out what are the new stages of preparation of a local plan. It then sets out the consultation methods the Council will use at each stage of local plan preparation. It gives an account of the benefits of using a particular consultation method and when the Council will consider its use.

8. **Format**

8.1 It is intended that a revised SCI will be a streamlined, high level document, designed so that parts of it can be updated when necessary to better reflect legislation and local demand/need.

9. **Draft Timescale**

SCI Stage	Start	Completion
Engagement with Members	January 2018	February 2018
Public Consultation	May 2018	June 2018
Amendments to document	June 2018	August 2018
Adoption		September 2018

10. **Financial Implications**

10.1 There are no financial implications arising from this report. The cost of updating the evidence base, public consultation, and related printing and publishing, of any Local Plan document will be met from the existing Planning Service budget.

11. Legal implications

11.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to prepare a Statement of Community Involvement. The statement is to contain the LPA's policy for involving interested parties in matters relating to the authority's function of preparing and revising Local Development Documents, as required by section 26 and 28 respectively of the Planning and Compulsory Purchase Act, as well as to development control, as set out under part 3 of the Town and Country Planning Act 1990 – except for sections 61F to 61H which relate to neighbourhood development orders which are expressly excluded by section 18(2A) of the Planning and Compulsory Purchase Act.

11.2 Section 9D of the Local Government Act 2000 states that any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local authorities (Functions and Responsibilities (England) Regulations 2000 specifies that certain functions relating to Development Plan documents are by law the responsibility of the Council. No specific reference is made to a statement of community involvement in the Regulations and as it is not a Development Plan Document it is therefore an executive function.

11.3 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

11.5 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

11.6 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as

recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

11.7 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

11.8 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>.

12. Crime and Disorder Implications

12.1 There are no direct crime and disorder implications arising from this report.

13. Equalities Implications

13.1 The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.

13.2 The draft SCI contains community consultation proposals over and above the minimum statutory requirements. At this stage of the draft, we cannot identify any negative consequences arising from the proposals. Specific questions targeted at equalities considerations will be built into the public consultation and will be re-considered during the post-consultation evaluation of the draft SCI in the form of an Equalities Analysis Assessment (EAA). The EAA can ensure, as far as is possible, any negative consequences for a particular group or sector within the community are eliminated, minimised or counter balanced by other measures.

14. Environmental Implications

14.1 There are no direct environmental implications arising from the SCI.

15. Conclusion

The Mayor is recommended to;

- 15.1 Approve the revised content (Appendix 1) and timetable of the SCI (Section 9) and subject to confirmation that it is not intended to direct any changes, recommend that the draft SCI go out to public consultation.
- 15.2 Authorise the Executive Director of Resources and Regeneration to make any minor changes to the text and format of the documents prior to consideration by Full Council.
- 15.3 Refer this report to Full Council for information.

Background documents and originator

Short Title Document	Web Link	Date	File Location	File Reference	Contact Officer	Exempt
National Planning Policy Framework	http://www.communities.gov.uk/publications/planningandbuilding/nppf	March 2012	Laurence House	Planning Policy	Alison Bradshaw	No
Planning Act 2008	https://www.legislation.gov.uk/ukpga/2008/29/contents	2008	Laurence House	Planning Legislation	Alison Bradshaw	No
Localism Act 2011	http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted	2011	Laurence House	Planning Legislation	Alison Bradshaw	No
Local Plan Regulations 2012	http://www.legislation.gov.uk/uksi/2012/767/contents/made	2012	Laurence House	Planning Legislation	Alison Bradshaw	No

If you have any queries on this report, please contact Alison Bradshaw, Business Improvement & Stakeholder Manager, Planning Department, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU, telephone 020 8314 7400.

Annex 1: Statement of Community Involvement - November 2017