



Mayor and Cabinet

Authority to consult on a replacement Statement of Community Involvement

Date: 1 February 2023

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Head of Development Management

Outline and recommendations

The purpose of this report is to seek approval to consult on a new Statement of Community Involvement.

Mayor and Cabinet are recommended to:

- a) Approve the content of the draft Statement of Community Involvement for public consultation including the annex addressing Amenity Society formal recognition.
- b) Delegate authority to the Director of Planning, in consultation with the Cabinet Member to make corrections or clarifications to the draft SCI prior to Public Consultation
- c) Note the progress of the Local Democracy Review projects

Timeline of engagement and decision-making

July 2006 – The current Statement of Community Involvement was adopted in July 2006.

May 2018 – Mayor Damien Egan promises to launch a review that will make the Council 'even more democratic, open and transparent'

July 2018 – Full Council agrees to establish a Local Democracy Review Working Group consisting of eight councillors. They are tasked with making recommendations about how the Mayor and Council could enhance their openness and transparency, increase public involvement in Council decisions and promote effective decision-making

September 2018 to January 2019 – the Working Group gathers evidence from a wide range of residents, community groups and local councillors (including an online questionnaire completed by over 700 respondents, workshops at four secondary schools and attendance at over 40 events)

January to March 2019 – the Working Group collates their evidence into a final report, which identifies 57 recommendations for change

March/April 2019 – Mayor & Cabinet and Full Council agree the report and recommendations

April 2019 to March 2020 – the retained Local Democracy Working Group oversees delivery of the recommendations

February 2020 – the Local Democracy Working Group welcomed the direction of travel for recommendations 25-30 which propose improvements to the planning service, including "If required, the Planning Statement of Community Involvement should be reviewed in line with the democratic standards once developed, and the other relevant recommendations made within this report (#30)"

June 2020 – temporary changes agreed to the Council's Statement of Community Involvement (SCI) to facilitate virtual meetings for a period of 3 months

September 2020 – temporary changes to the SCI are extended for a period of 6 months due to the ongoing pandemic and consultation on permanent changes to those sections addressing planning policy consultation agreed

December 2020 – permanent changes to the SCI to those sections addressing planning policy consultation approved by Mayor and Cabinet.

February 2021 – update to the Local Democracy Working Group (LDWG) on proposals to increase the openness and transparency around the planning process, particularly focused on effective decision making at planning committees which were endorsed by the LDWG. This included the Planning Service preparing a new SCI following the development of proposals and a period of engagement with amenity societies/community groups and Members.

June 2021 – Community Group meeting to, amongst other matters, update on progress with the LDR work programme

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November 2021 – Community Group meeting to, amongst other matters, update on progress with the LDR work programme

January 2022 – a standalone revision agreed to the SCI at Mayor and Cabinet in relation to Design Review Panels

July 2022 – Community Group Meeting where discussions began on a new working relationship with amenity societies and community groups to begin the period of engagement. A questionnaire was sent following this meeting to all amenity societies and community groups.

October 2022 – Community Group Meeting continuing engagement with amenity societies including the responses received from the July questionnaire.

October 2022 – an update of the Local Democracy Review project to Sustainable Development Select Committee

- **Purpose**

- 1.1. The purpose of this report is to seek approval to consult on a replacement Statement of Community Involvement also known as the SCI.

- **Summary**

- 1.2. The primary objective of the SCI is to set out how the Council will consult on the formulation of planning policy and on planning applications.
- 1.3. The requirements for consultation on policy documents were updated with the December 2020 Addendum to the 2006 SCI, to align with statutory requirements. The approach to consultation for planning applications has remained unchanged since 2006 and is now out of date.
- 1.4. This report outlines the consultation carried out to date on the project and the wider Local Democracy Review, and provides detail on the nature of the proposed consultation on a new SCI.
- 1.5. A copy of the draft SCI is attached to this report in Appendix 1, the Local Democracy Working Papers at Appendix 2, and series of consultation questions at Appendix 3.

- **Recommendations**

- 1.6. It is recommended that Mayor and Cabinet:
 - a) Approve the content of the draft Statement of Community Involvement for public consultation including the annex addressing Amenity Society formal recognition.
 - b) Delegate authority to the Director of Planning, in consultation with the Cabinet Member to make corrections or clarifications to the draft SCI prior to Public Consultation
 - c) Note the progress of the Local Democracy Review projects

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- **Policy Context**

1.7. The content of this report is consistent with the Council's policy framework. The SCI is a legal planning document that sets out how the Council will consult with the public and other stakeholders when preparing statutory development plan and supporting documents, and how it will consult on planning applications. The SCI also sets out how the Council will fulfil its statutory duty to support neighbourhood planning. The Council must (as a minimum) comply with statutory requirements for consultation set out in relevant legislation and policy including:

- 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
- Planning and Compulsory Purchase Act (PCPA) 2004 (as amended)
- The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Localism Act 2011 (as amended)
- The Neighbourhood Planning (General) Regulations 2012
- Neighbourhood Planning Act 2017
- Environmental Assessment of Plans and Programmes Regulations 2004
- Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020
- National Planning Policy Framework (NPPF) (2019) and National Planning Practice Guidance (NPPG).

- **Background**

1.8. 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 application consultation.

1.9. The Lewisham 2006 SCI additionally replicates information found within other adopted Council Policy documents, namely the Constitution and Scheme of Delegation, setting out the circumstances in which decisions on planning applications will be made by planning committee (rather than officers via delegated powers). It also outlines the processes through which interested parties will be notified of the committee meeting and sets out how they can make verbal representations at the meeting. The current SCI also makes provision for additional community engagement by way of a Local Meeting where 10 or more objections have been received to a planning application.

1.10. Since the SCI was adopted in 2006 there have been significant changes to the planning system. These include but are not limited to: changes introduced by the Localism Act 2011; the Neighbourhood Planning Regulations 2012; the Local Planning Regulations 2012; the introduction of the new National Planning

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Policy Framework (NPPF) in 2012, with subsequent updates in 2018, 2019 and 2021 respectively. Collectively these changes establish new legal requirements and processes for producing statutory development plan and associated guidance documents. This includes new powers for community groups, formally designated as neighbourhood forums, to prepare neighbourhood development plans, a process which the Council has a statutory duty to support.

- 1.11. The Council launched the Local Democracy Review in 2018 with a Local Democracy Working Group, comprised of 8 Members tasked with making recommendations about how the Mayor and the Council could enhance their openness and transparency, increase public involvement in Council decisions and promote effectiveness in decision-making.
- 1.12. The Local Democracy Working Group in February 2020 included a recommendation that a new SCI is adopted, and a review of committee referral triggers is also implemented. A copy of the working group papers is appended to this report at Appendix 2.
- 1.13. This report relates only to the new SCI and seeks authority to start public consultation. This paper also updates on how the Planning Service is progressing other recommendations.
- 1.14. Any proposals in relation to planning committees and the scheme of delegation do not form part of the SCI work stream and are not part of this report. These are matters which will be managed via a review of the Council's Constitution.
- 1.15. The planning policy section of the SCI has already been updated to prevent delay to the preparation of Lewisham's new Local Plan, which is one of the Council's most important strategic documents. A further variation was agreed in January 2022 for the requirement to present planning applications to the Design Review Panel post submission. The rest of the SCI is unaltered from its 2006 version.
- 1.16. The new SCI would retain the previous revisions and addendums in relation to policy preparation (updated to reflect changes to from the 2019 to the 2021 NPPF) but set out clearly how the Council will consult and engage on planning applications. It will not need to discuss or set out how decisions are made, as that is contained within the Councils Constitution.
- 1.17. At the time of this report and the meeting, the Government is undertaking consultation on potential reforms to the planning system, this may mean that the policy preparation sections of the SCI become out of date. Officers are keeping this under review and would seek to update the SCI at the earliest opportunity.
- 1.18. The SCI will be presented as an entirely revised new document incorporating previous changes.
- 1.19. It is recognised by the Local Democracy Working Group that there is a pressing need to update the SCI. As a document that sets out how the Council will engage and can be contacted, there has been a significant shift in how the public communicate with the Council over the last 16 years since the SCI was adopted in 2006.
- 1.20. For example, the 2006 SCI states that representations must be made in writing by:

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- By sending a letter or fax to the Council
 - By sending an email to the Council
 - Online using the appropriate form.
- 1.21. Since 2006, there has been a significant reduction in letters received, with the vast majority of communication via direct email. Furthermore, the Planning Service no longer has any fax messaging service. When consulting on planning applications, the Planning Service will send a notification to surrounding properties, and will use email to consult local ward councillors and local/statutory consultees.
- 1.22. The existing SCI also references the “Call In” right for Amenity Societies, which triggers an automatic referral to planning committee where a valid planning objection is received (and the officer recommendation is for approval). Elected Members also have a Call In to Planning Committee. The revised SCI will not detail Call In rights, as these are contained within the Councils Constitution.

- **Pre-production consultation**

- 1.23. Recommendations from the Local Democracy Review required that key aspects of engagement with the planning process were reviewed with a desire to increase transparency and understanding.
- 1.24. The Local Democracy Working Group supported key actions/outputs that require action which are set out below.
- A new SCI following the development of proposals and a period of engagement with amenity societies/ community groups and Members
 - A public engagement protocol
 - A weekly list of planning applications for ward Cllrs to replace direct notifications
 - Regular pre-application reviews for strategic cases (virtual)
 - Change Local Information Requirements to include a require to submit a community audit for major schemes,
 - Continue to review the automatic publication of letter of objection to follow the latest legal guidance,
 - Consult on the adoption of permanent changes to the scheme of delegation and the permanent use of Chairs Review meetings
 - Prepare and update informal written protocols for how committees are undertaken to aid with public understanding and perception,
 - Set up a programme of member training and engagement,
 - Updated content on the planning website,
 - Greater use of the existing system to be able to monitor planning application progress,
 - New letter prepared to be emailed when an application is received.

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- 1.25. The Planning Service has an established Community Forum. This is a meeting with our Community Groups and Amenity Societies. The purpose of the Forum is to:
- Seek a positive working relationship between the Planning Service and our Community Groups
 - To update on changes to the planning system, policy work and Council Strategies
 - To provide direct feedback to Officers
 - To discuss planning issues thematically
- 1.26. The Planning Service has committed to updating on progress for all Local Requirement projects via the Community Forum on a quarterly basis.
- 1.27. A Community Forum was held in July 2022. Officers briefed on Local Democracy Review projects and stated that the Planning Service will prepare proposals for a new SCI and undertake engagement with stakeholders on an informal and formal basis. The Planning Service set out that engagement would be undertaken, seeking to understand how groups in the borough operate and who they represent with a view to seeking to introduce measures to formally recognise Amenity Societies.
- 1.28. A questionnaire was sent to all Community Groups and Amenity Societies, with officers seeking to understand how:
- Community Groups/ Amenity Societies are constituted
 - When the group was established and its membership size
 - Their topic(s) and geographical area of interest
 - How they respond to planning applications
 - How does their membership reflect the diversity of the boroughs population
 - How regularly they meet and if membership has a cost.
 - If they are a member of the London Forum of Amenity and Civic Societies
- 1.29. At the Community Forum meeting in October 2022, Officers provided an update on the results on the questionnaire which found that of the 10 responses received:
- 6 groups are registered with the London Forum of Amenity and Civic Societies. The groups said that the London Forum assists in updating views and issues in the Built Environment and is useful for planning advice and liaising with other societies.
 - Groups were free to join or had a membership cost of between £5 and £20
 - Groups largely advertised through leaflets, in person events and social media
 - Groups recognised that their committees and membership did not fully reflect the diversity of the local population and recognised a need to

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improve this.

- 1.30. The Sustainable Development Select Committee in October 2022 resolved that the report of the Local Democracy Review updated be noted and officers consider:
 - The Committee believes that further work should take place to consider how best to represent and consult ward assemblies and other community groups that are interested in their local areas – but not specifically focuses on planning/conservation.
 - That this work should consider how to engage with seldom heard groups.
 - The Committee believes that the process for determining the validity, formal status and level of representations of amenity groups should be as transparent and open as possible. The Committee would welcome further information about the ways in which the Council will determine the representativeness of groups.
- 1.31. Following that meeting, Officers have committed to providing briefings for ward assemblies where requested to provide information on significant developments in their area.
- 1.32. The formal recognition of Amenity Societies is considered within an annex to the draft SCI and is proposed to be subject to formal public consultation.
- 1.33. The Planning Service will continue with its programme of internal improvements and update the Public via the Community Forum.
- 1.34. Further Community Forum meetings are already planned and will be used to discuss how best to recognise Community Groups and Amenity Societies in the planning process, using the results from the questionnaire as a basis for discussion.

• **Content for a new Statement of Community Involvement**

- 1.35. There are several areas of proposed modernisation and improvement within a new SCI. The following paragraphs set these out by topic, and how the Planning Service proposes to progress these.

Clarity of Purpose

- 1.36. The SCI will clearly set out its purpose, which is to explain how the Council will consult on applications and promote pre-application engagement. Its role is not to explain or set out decision making processes. It will not seek to replicate other published policy or information, but instead provide clear signposts.

Dealing with repetition

- 1.37. A key area for update in the SCI will be the removal of repetitious information contained within other Council Policies, namely the Scheme of Delegation and committee processes. These are contained within the Council's Constitution.
- 1.38. The role of the SCI is to set out how the Council will consult and engage on policy making and planning applications, whereas the Constitution sets out how the Council makes decisions. The repetition of other Council policies and decision making arrangements, does not allow the Council to work flexibly, nor

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respond to changing patterns of communication or work practices. This was particularly evident during the Covid-19 Pandemic.

1.39. The SCI is proposed to be much more concise and strategic in nature, setting a level of engagement (as required by legislation) which can be expanded as necessary through via advisory notes hosted on the Council's website. This would enable standards to be set but give the Council greater flexibility to respond quickly to new and improved ways of working. Furthermore, by removing repetition, this would make the document as a whole easier to read and provide clarity on its purpose. The removal of details around the scheme of delegation would not change current working practices. This would mean that if the constitution requires updating, the SCI does not and vice versa.

1.40. Any future proposals to committees and the scheme of delegation would form part of the Council's Constitution review which has separate reporting and approval processes to the SCI, via Full Council.

Reflecting modern ways of working

1.41. The current SCI reflects ways of working and communication that was largely paper based. It is proposed to ensure that email and online methods of communication are prioritised, reflecting the changes seen over the last 16 years. References to newsletters and fortnightly meetings to review cases with amenity societies are also proposed to be removed as these are no longer held as well as any other references to working practices which are no longer followed.

Updating legislation and policy position

1.42. Throughout the SCI all legislative and policy references will be updated. This will include the status of the SCI which is now no longer defined by Government as a development plan document.

Formalising the role our Amenity Societies

1.43. A process for formalising the role of amenity societies was endorsed by the LDWG. The Sustainable Development Select committee believe that the process for determining the validity, formal status and level of representations of amenity groups should be as transparent and open as possible.

1.44. The role of the SCI, as detailed above, is to set out how the Council will consult on applications and to promote effective pre-application engagement. At the same time, the Planning Service proposes to consult on the formal recognition of Amenity Societies and clarification of their coverage given their Call In powers to planning committee. It is proposed that the Planning Service would maintain a list of all registered groups, which is envisaged would be reviewed every two years. This consultation is proposed to run alongside the SCI.

Promoting pre-application engagement

1.45. The Planning Service receive regular feedback on the desire of the local community and groups to engage at the earliest possible stage to meaningfully influence schemes. Whilst the SCI is unable to force any developer to undertake pre-application engagement, it is a useful document to be clear that there is an expectation that early engagement takes place. As part of this, it is proposed that there is a clear expectation that for major developments, a pre-application Local Meeting is held to inform proposals as they develop. Officers

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would expect discussions with an applicant to include how efforts have been made to minimise and manage digital exclusion.

Local meetings

- 1.46. With the requirement to undertake pre-application engagement, it is intended to remove the Local Meeting trigger for planning applications post submission. This is to ensure that discussions take place at a point when there is a chance to influence a scheme. It is proposed that Local Meetings take place at an earlier point where the community have the chance to genuinely influence a schemes design and to be focussed on schemes where there is a chance to influence. The draft SCI proposes that Local meetings are an automatic expectation on Major Developments of 50+ new residential units.

Other Local Democracy Projects

- 1.47. The Planning Service is committed to progressing other internal service improvements that do not require formal approval and will continue to implement this work programme.

• **Local Democracy Review project work to date**

- 1.48. There has been a number of improvements delivered as part of the Local Democracy Review as part of an ongoing review of internal processes.

1.49. Planning Committees

- Use of closed sessions for legal advice – to ensure robust decisions
- Uploading of Officer presentations with the agenda
- Preparation and use of committee protocol notes
- Member training
- All committees webcast and recorded

1.50. Reports

- All reports (delegated and committee) are written in a new accessible format

1.51. Publication of consultation responses

- All consultation responses are uploaded to the website. This does not include neighbour responses/ objections due to data protection legalisation.

1.52. Training

- Member committee training provided.
- Specialist training for Climate Change and Financial Viability provided. Future sessions will be planned on a range of topics.

1.53. Local Requirements List

- The Local Requirements List have been revised and adopted to reflect the 2021 London Plan and provide a new local requirement for the submission of a Community Audit. This is a requirement for developers

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to identify buildings that have community uses/ other uses of social/ economic value. This may include health provision, education, community, play, youth, early years, recreation, sports, faith, criminal justice and emergency facilities.

1.54. Decision Notices

- A review has commenced of Decision Notice templates, with a proposal to simplify and amend to accessible formats. The first draft is now being reviewed by officers and will be tested in a back office system before further drafting of other decision templates is carried out.

- **Formal SCI Consultation**

1.55. Subject to approval, the consultation on the draft SCI and annex relating to Amenity Societies will run for six weeks and will involve:

- Consulting (by digital mail-out) to consultation bodies and regular applicants to the planning service.
- Publication of the draft SCI on the Lewisham website Consultation Hub.
- In addition to the above the Planning Service will promote the consultation via the established Community Forum.

1.56. After the six week consultation period, all representations will be considered and a final version of the SCI will be reported for adoption by Mayor and Cabinet.

- **Financial implications**

1.57. There are anticipated financial implications through savings in arranging local meetings on a reduced number of applications, through Officer time, and costs of holding in person meetings and booking of local venues. Responses received via the formal public consultation will be given full consideration prior to the formal adoption of a new SCI.

- **Legal implications**

1.58. The SCI is a document which sets out a Local Planning Authority (LPA) policy for consulting and engaging with individuals, communities and other stakeholders, both in the preparation and revision of Local Development Documents (LDDs) and in development management decisions (section 18(a), PCPA 2004).

1.59. LPAs must prepare an SCI (section 18(1), PCPA 2004), however, there is no statutory framework for the scope and content of the SCI. The main parts of such a document usually include:

- The process of consultation and how the results will feed into the preparation of LDDs.
- The various stages at which the LPA will involve the community in preparing LDDs and associated documents.
- Details of general and specific consultation bodies are usually provided in an

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SCI.

- 1.60. The Localism Act 2011 removed the requirement for LPAs to submit a SCI to the Secretary of State or the Mayor of London. The LPA can now adopt the SCI itself following public consultation. Responses received from the formal public consultation will be given full consideration prior to the formal adoption of a new SCI.
- 1.61. Once adopted the LPA must demonstrate how it has used and complied with the consultation requirements set out in the SCI at various stages of LDD preparation and prior to making decisions on planning applications. Once adopted, the SCI should be published on the LPA website.
- 1.62. 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.

In summary, the council must, in the exercise of its function, 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 persons who do not share it
- 1.63. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, 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.
 - 1.64. The Equality and Human Rights Commission has 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:
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
 - **Equalities implications**
 - 1.65. The Council's Comprehensive Equality Scheme for 2020-2024 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.

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1.66. Changes to the SCI will have equalities implications. Responses received via the formal public consultation will be given full consideration prior to the formal adoption of a new SCI.

- **Climate change and environmental implications**

1.67. The adoption of a new SCI would have a positive impact on climate change and the environment by reducing the need to send paper based communications in response to emails. Responses received via the formal public consultation will be given full consideration prior to the formal adoption of a new SCI.

- **Crime and disorder implications**

1.68. There are no crime and disorder implications. Responses received via the formal public consultation will be given full consideration prior to the formal adoption of a new SCI.

- **Health and wellbeing implications**

1.69. There are no health and wellbeing implications. Responses received via the formal public consultation will be given full consideration prior to the formal adoption of a new SCI.

- **Conclusion**

1.70. Mayor and Cabinet and recommended to:

- a) Approve the content of the draft Statement of Community Involvement for public consultation including the annex addressing Amenity Society formal recognition.
- b) Delegate authority to the Director of Planning, in consultation with the Cabinet Member to make corrections or clarifications to the draft SCI prior to Public Consultation
- c) Note the progress of the Local Democracy Review projects

- **Background papers**

1.71. Lewisham Statement of Community Involvement

<https://lewisham.gov.uk/myservices/planning/policy/ldf/statement-of-community-involvement>

1.72. Sustainable Development Select Committee report dated 11 October 2022. (Item 4)

<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=7915&Ver=4>

- **Glossary**

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Term	Definition
Statement of Community Involvement	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.
Amenity Society	A group set up with a specific interest in built environment conservation and heritage. Linked to a specific conservation area.
Community Group	A group set up with a specific interest to represent a community with a defined area of interest to promote benefit residents.
Residents Association	A group set up who live in a particular area, could be a street, collection of local streets or a single development site who have a specific interest in their local area.
Local Meeting	A meeting to be held with the local community and affected residents to discuss a planned development that will be subject to a future planning application.
General consultation bodies	<p>Prescribed by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). For Lewisham they include:</p> <ul style="list-style-type: none"> - Voluntary bodies some, or all of whose activities benefit any part of the Borough, including but not limited to Neighbourhood Forums and Amenity Societies - Bodies which represent the interests of different racial, ethnic, or national groups in the Borough - Bodies which represent the interests of different religious / faith groups in the Borough - Bodies which represent the interests of disabled persons in the Borough - Bodies which represent the interests of persons carrying on business in the Borough - Bodies which represent the interests of different age groups in the Borough - Bodies which represent the interests of different equalities groups

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