



Mayor and Cabinet

Adoption of the Statement of Community Involvement

Date: 20 September 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 adopt the Statement of Community (SCI) Involvement.

Mayor and Cabinet are recommended to:

- a) Adopt the Statement of Community Involvement

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 Local Democracy Review (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 – Sustainable Development Select Committee – an update of the Local Democracy Review projects

1 February 2023 – M&C meeting for approval to start public consultation

February 2023 – Community Group Meeting continuing engagement with amenity societies, highlighting ongoing formal consultation of SCI.

20-February – 3 April 2023 – formal public consultation of the SCI

June 2023 – Sustainable Development Select Committee – an update on the representations received and ways forward for a revised SCI draft

July 2023 – Overview and Scrutiny Committee – discussion and recommendations for Good Developer Engagement Protocol

Purpose

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

Summary

- 1.2. An SCI is a legal planning requirement and 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.
- 1.3. This report outlines the consultation of a new draft SCI carried out to date and how officers have responded to the representations raised which have informed the final SCI for adoption, which is attached to this report at Appendix 1.

Recommendations

- 1.4. It is recommended that Mayor and Cabinet:
 - a) Adopt the Statement of Community Involvement.

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Policy Context

- 1.5. The content of this report is consistent with the Councils 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 the 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) (2021) and National Planning Practice Guidance (NPPG).

Background

- 1.6. The draft SCI (to replace the 2006 version) was published for public consultation between March and April 2023. This was an early-stage draft which provided the public with an opportunity to comment on the scope of the SCI. There were 21 responses to the SCI consisting of 11 Amenity Societies and Community Groups (and a further 4 representations of individuals affiliated to those groups), 1 Ward Councillor and 5 residents from the borough.
- 1.7. The representations referred to the removal of the decision-making details (the constitution), legalistic language and digital exclusion. The representations also focused on two key areas in relation to Local Meetings, particularly when and how they take place.
- 1.8. There was a very low level of engagement in relation to formal recognition of Amenity Societies and following the close of the consultation, comments were received from the London Forum of Amenity and Civic Societies, welcoming that the Council is seeking to formally recognise Amenity Societies but raising concern at the detailed proposals around London Forum membership.
- 1.9. Officers, presenting to the Sustainable Development Select Committee (June 2023) set out how representations have shaped the outcomes for a new SCI in relation to consultation on planning applications and provision of local meetings. Officers further advised that given the low level of engagement from groups and

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comments from the London Forum that a period of further engagement was proposed to take place over the summer to consider the exact working arrangements with Amenity Societies.

- 1.10. As this is a process which sits outside the SCI (the consultation was an annex to the SCI), this would mean that the adoption of a new SCI does not impact the process of establishing any local criteria for the formal recognition of groups.
- 1.11. The changes to call-in powers for Amenity Societies have already been established by the Council's new Constitution and would therefore remain unaffected by SCI proposals.
- 1.12. This report therefore does not address the formal recognition of Amenity Societies, as engagement is continuing with the Planning Service.

Draft SCI for consultation

- 1.13. The draft SCI proposed several areas for modernisation and improvement. The following paragraphs set these out by topic, and how the Planning Service proposes to progress these. Nothing that consultation proposals for formal recognition of Amenity Societies has been de-coupled from the SCI to allow for further engagement.

Clarity of Purpose

- 1.14. 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

- 1.15. 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.
- 1.16. 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 respond to changing patterns of communication or work practices. This was particularly evident during the Covid-19 Pandemic.
- 1.17. 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 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.
- 1.18. 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.

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Reflecting modern ways of working

- 1.19. 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

- 1.20. 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.

Promoting pre-application engagement

- 1.21. 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.

Consultation feedback and changes to the draft SCI

- 1.22. This section provides a summary of the main issues raised during the draft SCI consultation, and how Council Officers considered these responses.
- 1.23. The representations were focused on the removal of decision-making details (the constitution), legalistic language and digital exclusion. The representations were focused on the arrangement of Local Meetings, particularly how and when they take place.

Removal of decision-making details

- 1.24. The role of an SCI is to set out how the Council engages on the preparation of planning policies and undertakes statutory consultation of planning consultations. The existing 2006 SCI contains repetitious information, namely details around decision making which are copied from the Constitution.
- 1.25. The SCI is now out of date regarding the scheme of delegation following the adoption of the 2023 Constitution.
- 1.26. Representations received raised concern to the removal of the decision-making sections repeating parts of the constitution, citing a lack of clarity for how decisions are made.

Response

- 1.27. There is no legal requirement for an SCI to repeat information from the Constitution, and its inclusion within a new SCI would lead to a repeat of the existing SCI which has proven to be inflexible. Officers have committed to making much greater use of the Council website to explain the planning and

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decision-making process via a simpler representation of the scheme of delegation and committee structure within the Constitution. The website page will be prominently positioned and is able to be easily updated.

- 1.28. As such, it is not considered appropriate or necessary to include details of the Constitution within the SCI.

Reflecting modern ways of working

- 1.29. The current SCI reflects ways of working and communications that was largely paper based. The draft SCI proposes modern methods of communications that are already established and working in practice.
- 1.30. Representations received were concerned that the SCI is too digitally focused and may therefore exclude some people from participation.

Response

- 1.31. The requirement to carry out consultation on planning applications is a statutory requirement set by the Government, and there are no proposals to change existing practice of sending letters to surrounding occupiers to notify of a planning application. In addition, site notices and press notices are displayed advertising a planning application (where legislation requires such as development affecting Conservation Areas and Listed Buildings). Therefore, there would be no impact or digital exclusion to residents and occupiers for how they are consulted on planning applications.

Legalistic language Abbreviations

- 1.32. Concerns were raised at the use of legalistic language which respondents found made the document difficult to read.

Response

- 1.33. The SCI is a legal document, and references to legislation and some technical terms are unavoidable. It is recognised that the SCI should be read as a public document and therefore understood as such. Efforts have been made to minimise the use of technical language and where abbreviations are used they will be fully explained. The SCI also contains a full glossary with a simple explanation of all technical terms.

Local meetings

- 1.34. Local Meetings are public meetings held for a planning application that is chaired by a local Ward Member and attended by the developer/ applicant and an officer to take notes.
- 1.35. The existing SCI states that these should take place prior to a decision being made, where an application has 10 + objections. The draft consultation version of the SCI proposed that Local Meetings were moved to pre-application stage and held where a development proposal contained 50+ new residential units.
- 1.36. The consultation demonstrated strong support for Local Meetings and collaboration, but raised concern as to Local Meetings being held at the pre-application process, and as to who would be invited to participate. Further concerns were raised regarding the anticipated online format and impact upon digital exclusion and perceived limits on general participation.

Response

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- 1.37. The proposals for Local Meetings attracted the highest level of interest from all the representations received. Officers have sought to positively respond to these comments, recognising the important that the public and Members have placed on this type of engagement.
- 1.38. The SCI now proposes to retain Local Meetings at application stage, held prior to a decision being made where invitations are issued to those who have made representations on a planning application.
- 1.39. The SCI will set a Local Meeting threshold of 20 valid planning objections, which is considered to capture the most controversial applications. The SCI will also exclude householder applications (for residential extension works such as single storey kitchen extensions) from Local Meetings given their limited impact.
- 1.40. Officers consider the revised Local Meeting provisions provide clarity and certainty as to when a meeting is held and who is invited.
- 1.41. The SCI will make clear that the Council expects Local Meetings to be held in accessible formats, including online and hybrid meetings which would ideally make use of a suitable local venue. Officers consider this provides assurances that the SCI caters for wide variety of options to make meetings accessible

Promoting pre-application engagement

- 1.42. There was strong public support for the Planning Service producing a Good Developer Engagement Protocol, which would set out the Council's expectations for developer engagement at early stages for development proposals.

Response

- 1.43. Proposals for the promotion of pre-application engagement are advancing following recommendations from Overview and Scrutiny Committee in July 2023. The Good Developer Engagement Protocol will be finalised over the summer, uploaded to the Council website and promoted by the Planning Staff to developers seeking to progress sites in the borough.

Financial implications

- 1.44. All costs relating to this report will be contained within existing service budgets and there will be no other call on Council resources.
- 1.45. There are cost implications of arranging Local Meetings at application stage. These costs can be mitigated via a higher threshold that captures the most controversial applications and excluding small-scale householder development.

Legal implications

- 1.46. The SCI is a document which sets out a Local Planning Authority's (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).
- 1.47. LPAs must prepare a SCI (section 18(1), PCPA 2004), however, there is no statutory framework for the scope and content of the SCI, main parts of such a

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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 SCI.
- 1.48. 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.
- 1.49. 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.
- 1.50. 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
- 1.51. 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.
- 1.52. 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->

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Equalities implications

- 1.53. 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.
- 1.54. Concerns have been raised at the potential for digitally biased consultation. There are no proposals to change how the Council consults on planning applications as this is a statutory requirement set by the Government.

Climate change and environmental implications

- 1.55. 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.

Crime and disorder implications

- 1.56. There are no crime and disorder implications.

Health and wellbeing implications

- 1.57. There are no health and wellbeing implications.

Conclusion

- 1.58. Mayor and Cabinet and recommended to:

a) Approve the Statement of Community Involvement.

Background papers

- 1.59. Lewisham Statement of Community Involvement
<https://lewisham.gov.uk/myservices/planning/policy/ldf/statement-of-community-involvement>
- 1.60. Sustainable Development Select Committee report October 2022 (Item 4)
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MIId=7915&Ver=4>
- 1.61. Mayor and Cabinet February 2023 (item 9)
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MIId=7981&Ver=4>
- 1.62. Sustainable Development Select Committee report June 2023 (Item 4)

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Glossary

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 live 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

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Term	Definition
	<ul style="list-style-type: none"> - Bodies which represent the interests of different age groups in the Borough - Bodies which represent the interests of different equalities groups

Report author and contact

1.63. Michael Forrester – Head of Development Management, Planning Service

1.64. Michael.forrester@lewisham.gov.uk

Comments for and on behalf of the Executive Director for Corporate Resources

1.65. Shola Ojo – Principal Accountant, Financial Services

1.66. 02083147778 - Shola.Ojo@lewisham.gov.uk

Comments for and on behalf of the Director of Law, Governance and HR

1.67. Paula Young – Senior Planning Lawyer, Legal Services

1.68. 02083144784 – Paula.Young@lewisham.gov.uk

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