

Item No. N/a	Classification: Open	Date: 17 December 2019	Decision Taker: Cabinet Member for Growth, Development and Planning
Report title:		Statement of Community Involvement and Development Consultation Charter	
Ward(s) or groups affected:		Borough wide	
From:		Planning Policy Manager	

RECOMMENDATION

That the Cabinet Member for Growth, Development and Planning:

1. Approves the Statement of Community Involvement (SCI) that replaces the current SCI from 2008 for public consultation from January 9 2020 to April 2 2020
2. Approves the changes made to the draft Development Consultation Charter to require all council led development that proposes any new home to follow the Charter for public consultation from January 2020 to April 2020.

BACKGROUND INFORMATION

3. Section 18(1) of the Planning and Compulsory Purchase Act 2004 requires all local authorities to produce a SCI. The SCI is a document which sets out how the council will ensure that local communities, businesses and other stakeholders can be involved in local planning decisions and help to shape the places where they live. This includes the preparation of the Local Plan and policy documents, as well as the process for making decisions on planning applications. The purpose of the SCI is to give people better access to the planning process.
4. This SCI replaces Southwark's previous SCI from 2008 to reflect the Council's new Approach to Community Engagement, to increase the clarity in how consultation takes place and to include the increasing use of technology as a method of engagement.
5. The SCI includes the Development Consultation Charter (Appendix B), the Consultation Roadmap (Appendix C), the SCI Engagement Plan (Appendix D) and an Equality Impact Assessment (Appendix E).

Consultation

6. The SCI has been informed by a number of issues raised by members of the community, set out in the Consultation Report, through the four planning workshops held on the 25th March and on the 1st August 2019. These workshops were advertised through MySouthwark which includes a mailing list of 13,731 people.

7. Two Planning Workshops were held on the SCI and Development Consultation Charter on the 25th March 2019. 148 people signed up to the event and over 76 people attended. Two workshops were held to facilitate as many people as possible – one in the afternoon and one in the evening. At this event, residents and members of the community highlighted where the council could improve in relation to engagement in planning.
8. Two Planning Workshops were held on the SCI and Development Consultation Charter on the 1st August 2019. 85 people attended the event. Again, two workshops were held to facilitate as many people as possible – one in the afternoon and one in the evening. At this event, members of the community highlighted changes that needed to be made to the Development Consultation Charter and the SCI and emphasised key areas of the planning process that needs to be improved, particularly in relation to consultation.
9. Key themes that emerged from comments and feedback at the workshops on both the SCI and the Development Consultation Charter included:
 - a) The community would like clarity and consistency on how and when we consult throughout the planning process
 - b) The community would like the Council to ensure that any engagement carried out by a developer, as result of the Developer Consultation Charter, is meaningful and inclusive
 - c) There needs to be a means to expand reach to people on MySouthwark mailing list so that as many people as possible are informed about consultation events
 - d) Officers should be present at consultation events to address concerns raised by the community
 - e) Plain English documents and consultation materials should be used for engagement to be inclusive and accessible
 - f) When residents are trying to engage on strategic and major applications, there is no level playing field. Difficulty in understanding planning documents makes it difficult to engage
 - g) The council should ensure s106 is delivered
 - h) The council should encourage sharing information between community groups and members
 - i) The scope of all engagement should be clearly outlined
10. Discussions were also held with council officers to consider how to improve the way the council engages with the public throughout the planning process and how to ensure the Development Consultation Charter is implemented effectively.

KEY ISSUES FOR CONSIDERATION

Statement of Community Involvement

11. The SCI sets out our commitment to engage the community across all planning issues. The statement outlines consultation methods throughout the plan-making process as well as when dealing with planning applications. It also highlights how the Council's digital strategy in relation to planning and how the SCI will be monitored.
12. As well as highlighting how the Council will consult with the public, the SCI proposes a series of new actions that are outlined below in order to respond to the issues raised by the public.

13. MySouthwark is currently the primary medium through which consultation events are advertised. There will be a campaign to promote the use of this and to encourage new users to sign up so that the Council can reach as many people as possible when holding a consultation event. This is the primary way we provide information to the public on planning consultation events. Members of the public can sign up and opt-in and choose which topics or areas they would like to get information on.
14. As part of the Planning Performance Agreement, developers will be required to have a specific meeting with council officers to set out a plan on how to effectively carry out community engagement as detailed in the Development Consultation Charter. This meeting would be used to discuss how to effectively engage the public at the early stage of a pre-planning application in a way that is inclusive and accessible to reach as many people as possible.
15. The Planning Performance Agreement at planning application stage will be published online to fully achieve transparency and clarity throughout the entire planning process.
16. The minimum standards for consultation on all types of planning applications will be published online to improve the clarity and consistency in which we consult.
17. A weekly list of validated planning applications will be sent to MySouthwark users to inform the public of potential developments in their area. This will help to achieve the Council's engagement principles of providing information at the earliest possible stage to allow for meaningful engagement.
18. A webpage will be established on our website with simple guides for understanding technical planning documents to improve the accessibility of the planning service.
19. The Council will provide consultation reports after all stages of consultation in an easy read 'You Said/We Did' format that is accessible to the members of the community with different needs.

Development Consultation Charter (DCC)

20. It was approved by Cabinet on the 30th April 2019 that the draft DCC would go to public consultation and be used as validation requirement in planning applications.
21. The scope of the DCC should be extended to include all council led development that proposes any new home. This will ensure that we are carrying out our Public Sector Equalities Duty

Next Steps

We will continue to consult the public on the SCI and DCC as outlined in the SCI Engagement Plan.

IDM to approve for consultation	December 2019
Formal Consultation	January 2020 – April 2020
Review comments received	April/May 2020
Adopt SCI and Development Consultation Charter	June 2020

Equalities/Human Rights

22. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not.
23. The SCI and engagement on the SCI are intended to be inclusive and accessible. Planning has a key role to play in supporting the council to promote equality and value diversity. We want to involve as many people as possible from as many communities as possible in the planning process. This aligns with our Public Sector Equality Duty.
24. The Human Rights Act 1998 imposed a duty on the council as a public authority to apply the European Convention on Human Rights; as a result the council must not act in a way which is incompatible with these rights. The SCI that this report will permit is not considered to be contrary to the Act.

Financial Implications

25. There are no immediate financial implications arising from this report.
26. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

27. The Council is required to prepare a statement of community involvement in accordance with section 18(1), Planning and Compulsory Purchase Act 2004. The intention here is for the updated draft Statement which has been prepared

following discussions at various workshops held in March and August is now to be submitted for public consultation. The Cabinet member is also being asked to approve the latest version of the draft Development Consultation Charter.

28. The report states at paragraph 23 that the intention is to involve as many people from as many communities as possible in the planning process. Officers therefore see the Statement of Community Involvement as a positive process in allowing Members to discharge their Public Sector Equality Duty.
29. It should be appreciated that where a public body states that it will or will not do something, then a person who has reasonably relied upon that statement should be able to enforce it and, if necessary, through the courts. Such a person would need to show that the statement is clear and unambiguous and gave rise to a legitimate expectation and was relied upon to their detriment. Accordingly, it is imperative that any promises made in the statement (such as timescales for consultation) are adhered to whenever possible.

Strategic Director of Finance and Governance (PW19/030)

30. This report is requesting Cabinet Member for Growth, Development and Planning to approve the Statement of Community Involvement (SCI) that replaces the current SCI from 2008 for public consultation from January 2020 to April 2020 and to approve the changes made to the draft Development Consultation Charter that require all council led development that proposes any new home to follow the Charter for public consultation from January 2020 to April 2020.
31. The strategic director of finance and governance notes that there are no immediate financial implications arising from this report.
32. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Planning and Compulsory Purchase Act 2004	https://www.legislation.gov.uk/ukpga/2004/5/section/18	planningpolicy@southwark.gov.uk

APPENDICES

No.	Title
Appendix A	Statement of Community Involvement
Appendix B	Development Consultation Charter
Appendix C	Consultation Roadmap
Appendix D	Engagement Plan
Appendix E	Equalities Impact and Needs Analysis

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Ciara Lester, Graduate Planner	
Version	Final	
Dated	13 December 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	-
Date final report sent to Constitutional Team		13/12/19